2015–2016
ANNUAL REPORT

The Office of the
Ombudsperson
B.C.'s Independent Voice For Fairness

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ਗੁਪਤ, ਪਰੋਫੈਸ਼ਨਲ ਦੁਭਾਸ਼ੀਆ ਸੇਵਾਵਾਂ 180 ਨਾਲੋ ਜ਼ਿਆਦਾ ਜ਼ਬਾਨਾਂ ਵਿਚ ਦਿਤੀਆਂ ਜਾਂਦੀਆਂ ਹਨ। ਕਿਰਪਾ ਕਰਕੇ ਅੰਗਰੇਜ਼ੀ ਵਿਚ ਉਸ ਜ਼ਬਾਨ ਦਾ ਨਾਂ ਕਹਿਣ ਲਈ ਤਿਆਰ ਰਹੋ ਜਿਹੜੀ ਤੁਸੀਂ ਬੋਲਦੇ ਹੋ।

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The Honourable Linda Reid
Speaker of the Legislative Assembly
Parliament Buildings, Room 207
Victoria BC V8V 1X4

Dear Madame Speaker:

It is my pleasure to present the Office of the Ombudsperson's 2015/16 Annual Report to the Legislative Assembly.

This report covers the period April 1, 2015 to March 31, 2016 and has been prepared in accordance with section 31 (1) of the *Ombudsperson Act*.

Yours sincerely,

Jay Chalke
Ombudsperson
Province of British Columbia

June 2016

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From the Ombudsperson

Over forty years ago, it was observed that in the modern world, ". . . democratic action is possible only through the instrumentality of bureaucratic organization; yet bureaucratic power – if it is not properly controlled – is itself destructive of democracy and its values".[1]

While that observation about the modern state is, no doubt, valid, the underlying problem it identifies has existed for centuries. And there have been responses for almost as long. From the courts of ancient Egypt, to Pacific societies, to the Romans and to ancient Muslim society, officials have long existed to hear, investigate and resolve complaints of citizens. The modern idea of an Ombudsperson dates back just over 200 years to Sweden. The idea took hold in Canada in the 1960s – the first Canadian Ombudsman was at the then-fledgling Simon Fraser University. Soon after, statutory parliamentary Ombudspersons were established across Canada. By 1979 when the British Columbia *Ombudsman Act* was brought into force, our province joined eight others in passing laws to establish an independent voice for fairness.

Part way through the period covered by this Annual Report I began my term as British Columbia's sixth Ombudsperson. I am humbled to have been entrusted with the stewardship and responsibility of carrying on the outstanding tradition of the office while also leading it into the future as we tackle new challenges. My immediate predecessor, Kim Carter, served as Ombudsperson with distinction for nine years including the first three months of the period covered by this Annual Report. British Columbians are deeply indebted to Kim for her outstanding service and leadership.

The Ombudsperson is *British Columbia's Independent Voice for Fairness*. There's a lot in those six words that comprise our vision statement. We serve all the people of the province. We do so independently; to ensure independence I am appointed by the legislature and not by any of the public authorities we investigate. We speak out to draw public attention to instances of administrative unfairness. We are not an advocate for anyone; rather we are impartial – we call 'em as we see 'em. But we are an advocate "for" something – the right of everyone to be treated fairly by the public authorities of the province. As I say, there's a lot in those six words.

What animates the theory set out in our vision statement is translating it into action. Through applying the principles of administrative fairness to the situations brought to us by complainants we are able to improve public administration. Our goal is to achieve outcomes that are better for all: better for complainants, better for public authorities, and better for those to be served in the future.

British Columbians enjoy the benefits of a professional, impartial public service across provincial authorities and local governments. This is a societal asset to be treasured and supported and is integral to the healthy functioning of a democratic society. Sadly it is not the case in so many parts of the world. Yet even here, processes must be reviewed and revised regularly to ensure citizens are treated fairly. When administrative unfairness occurs,

1 Roy Gregory and Peter Hutchesson, *The Parliamentary Ombudsman: A Study in the Control of Administrative Action*, Royal Institute of Public Administration, May 1975, 1.

our office helps officials understand and rectify the problem. And if the problem is not fixed, we speak out about that. Our impartial investigations may determine a public authority's action was indeed fair. In those situations, our experience is that frequently people need the independent assurance we can provide before they can accept that they were treated fairly by the public organization.

As outlined in the case summaries in this Annual Report the services of our office helped a wide range of individuals – from a correctional centre inmate with a car insurance headache, to a high school student living without his parents and in need of help, to an income assistance recipient facing eviction due to a mix-up in mailing her assistance cheque.

We approach our investigations impartially. If following this impartial investigation we find administrative unfairness, we are attentive to how the resolution we propose to public authorities can assist not only the complainant but also other British Columbians who find themselves in the same situation. In some situations we recommend that the public authority make it right for individuals who came before, sometimes the focus is on people currently being served and sometimes it means resolving the issue for the future so the problem never arises again. And sometimes it is all of these.

We exercise what is referred to as "soft power." Our role is not to order public bodies to follow a particular path and make certain changes; rather it is to propose recommendations following a thorough and impartial investigation. This power to propose rather than impose demands that we are scrupulously impartial, that we bring a broad and open perspective, that we are thorough in our fact gathering and rigorous in our analysis. Such an approach yields appropriate findings and principled and practical resolutions that will usually be accepted and implemented by public authorities. And if not accepted, investigations carried out in this manner provide the foundation for us to comment publicly on the matter or issue a report to the Legislative Assembly.

We continue to spread the word about the importance of administrative fairness. We carried out a regional tour this year, visiting New Westminster, Surrey, Delta and White Rock. Such regional visits provide us with the opportunity to meet face-to-face with public authorities in those communities under our jurisdiction as well as operate our popular mobile intake clinics to receive complaints from individuals. The tours provide a local in-person opportunity for complainants to discuss their issue, and of course we are always available to receive complaints online as well as by telephone through our toll-free number.

In March of this year we issued our report, *Bylaw Enforcement: Best Practices Guide for Local Governments*. The guide is the second of our best practices guides for local governments; following our 2012 guide on open meetings. Both have been very well received as systemic reports but also for their preventative approach – preventing unfairness by local governments from arising in the first place.

In July of last year we received a referral from the Select Standing Committee on Finance and Government Services of the Legislative Assembly. The referral requires us to investigate and report on the 2012 Ministry of Health employee termination matter. To ensure this special investigation could continue unimpeded, the legislature passed an amendment to the *Ombudsperson Act* that month, and we received additional funding for the incremental cost of the investigation through 2016/17. That investigation continues.

This year, the Office of the Ombudsperson undertook a consultation process, inviting input on a new five-year strategic plan. Legislators, public authorities, Ombudsperson staff and members of the public contributed their insights, helping us identify strengths and areas for improvement. Now, having reaffirmed our vision as BC's independent voice for fairness, the 2016-2021 Strategic Plan is setting us on a five-year path to enhance our service to British Columbians.

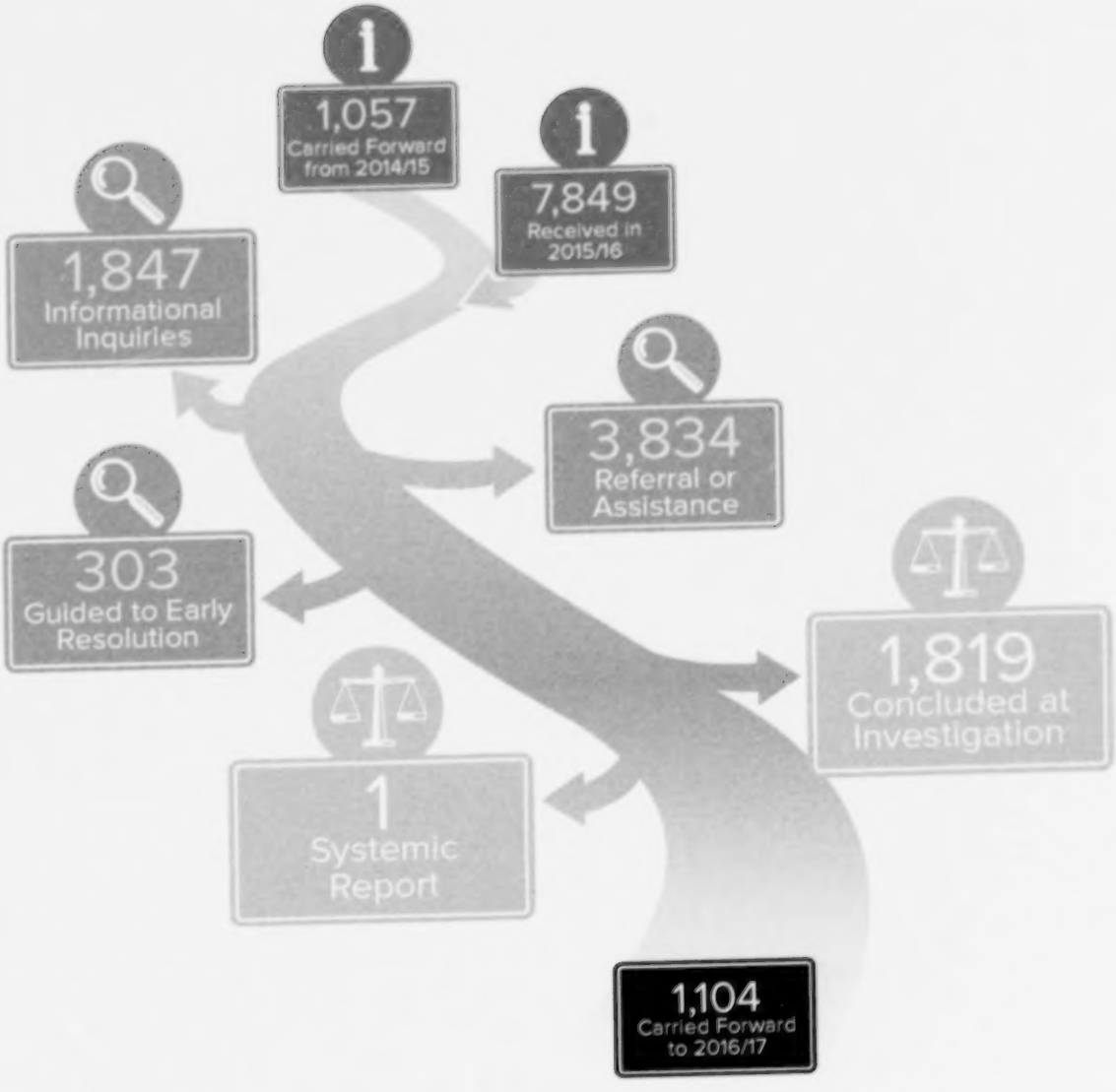
In my first few months I have been so very impressed by everyone with whom I have had the pleasure to come into contact. The staff of this office bring energy, expertise and a wonderful sense of optimism to bear on their critically important work. Employees of public authorities demonstrate a commitment to public service, and an openness to change with a goal of continuous improvement. And vitally, complainants on a daily basis reveal their desire to see public administration improved; not just for themselves but also for their fellow citizens.

I look forward to serving British Columbians as our office seeks to infuse all aspects of public administration with a principled and practical approach to administrative fairness.

Jay Chalke
Ombudsperson
Province of British Columbia

The Year in Review

Handling Complaints in 2015/2016: Intake, Analysis and Investigation



See page 62 for more detailed information about these outcomes.

The percentage of files opened by major authority category remained similar to prior years.

AUTHORITY CATEGORY	FILES OPENED 2015/2016	FILES OPENED 2014/15	FILES OPENED 2013/14
Ministries	53%	54%	55%
Crown Corporations	14%	17%	14%
Commissions and Boards	9%	10%	11%
Local Government	10%	7%	8%
Health Authorities	8%	7%	7%
Professional Associations	2%	2%	2%
Schools and Boards of Education	2%	2%	2%

Office of the Ombudsperson Staff – October 2015

Bylaw Enforcement

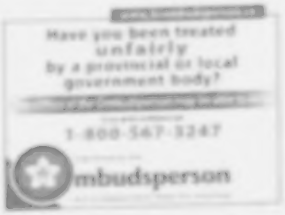
On March 8, 2016 the office released *Bylaw Enforcement: Best Practices Guide for Local Governments*. Not only do best practices improve service quality, reduce costs and inspire public confidence – they can reduce complaints. *Bylaw Enforcement*, discussed in the systemic investigations section of this report, contains useful practices for all stages of bylaw enforcement: establishing bylaws, responding to complaints, conducting investigations, making enforcement decisions and handling appeals.

New Website

The office published its new website in June 2015. Now, people with mobile devices can easily make a complaint or browse any of the reports and updates published by the Office of the Ombudsperson. Website users will also find a new category-based navigation system that targets individual interests and needs. An updated YouTube welcome video invites users to meet Ombudsperson Jay Chalke – and enjoy a walkthrough of the office.

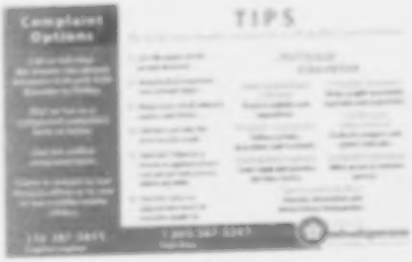
Library Receipts

The Office of the Ombudsperson partnered with British Columbia's community libraries to launch a novel public awareness campaign. The office's message was printed 658,000 times on the backside of due date receipts provided to library patrons across BC.



Quick Guide to Resolve Complaints

The office published a practical reference card intended for use by advocates and front-line staff. The *Quick Guide* lists complaint options, tips to resolve concerns, and a fairness checklist that shows what treatment citizens can reasonably expect from their provincial public authorities. A more comprehensive reference remains available in the Code of Administrative Justice, found on the *Guides for Organizations* page on the new Ombudsperson website.



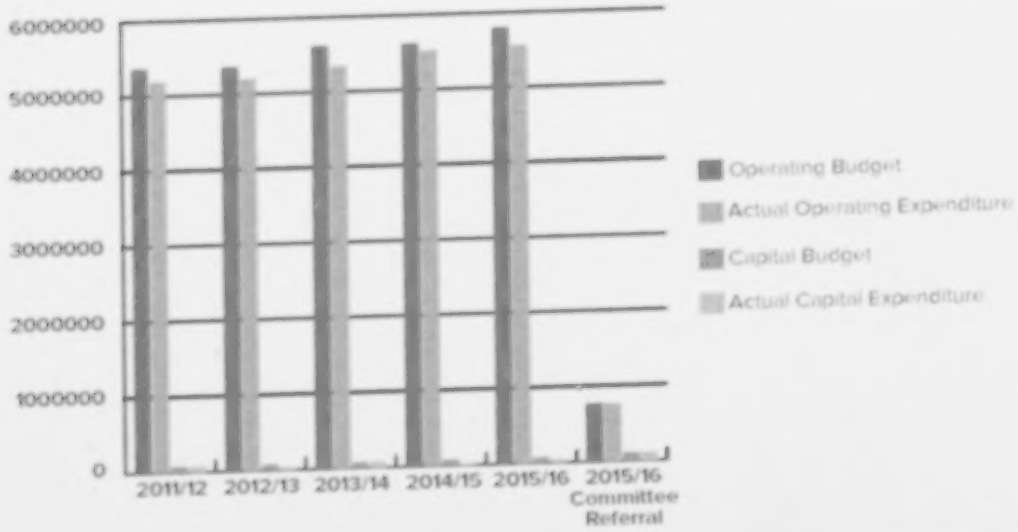
Developing a new Strategic Plan

In 2015/2016 the office consulted widely to develop its 2016-2021 Strategic Plan, an important starting point to the office's five-year planning cycle. Input was sought from staff, public authorities, non-governmental organizations, legislators, and the general public. This process renewed the office's principles and vision – as BC's independent voice for fairness – and established long-term goals, objectives and strategies that set the stage for continuous improvement and accountability.

Turn to page 13 for a preview of the 2016-2021 Strategic Plan.

Budget Summary

The 2015/2016 annual operating budget for the Office of the Ombudsperson was $5,802,000. In addition to this, midway through the fiscal year, the Office of the Ombudsperson was granted access to contingencies for up to $773,000 for the Legislative Assembly committee referral investigation. Forty staff worked on Ombudsperson functions, and 16 shared services staff in the office provided finance, administration, facilities, HR and IT support to four offices of the Legislature – the Office of the Information and Privacy Commissioner, the Office of the Merit Commissioner, the Office of the Ombudsperson and the Office of the Police Complaint Commissioner. Additional staff worked on the committee referral in the latter part of the fiscal year.



	2011/12	2012/13	2013/14	2014/15	2015/16
Operating Budget - OMB	5,372,000	5,372,000	5,615,000	5,615,000	5,802,000
Actual Operating Expenditures - OMB	5,189,800	5,204,411	5,337,909	5,520,991	5,556,778
Committee Referral Operating Budget					773,000
Committee Referral Operating Expenditures					764,777
Capital Budget - OMB	75,000	75,000	75,000	75,000	75,000
Actual Capital Expenditure OMB	70,237	36,381	70,718	23,067	35,314
Committee Referral Capital Budget					112,000
Committee Referral Capital Expenditures					110,634

Note: The Committee Referral was approved as contingency funding therefore the full approval will not be shown in the Public Accounts. The budget in the Public Accounts will be adjusted to the total expenditure amount only.

Committee Referral Investigation

Under the *Ombudsperson Act*, there are three ways for Ombudsperson investigations to be initiated. The vast majority of the office's investigations each year are the result of complaints from individual British Columbians. In addition, the Ombudsperson can investigate a matter on their own motion. The office initiates such investigations a few times a year.

The third manner for investigations to be initiated is by referral from the Legislative Assembly or one of its committees.

On July 29, 2015, for the first time in the office's 36-year history, a committee of the legislature referred a matter to the Office of the Ombudsperson for investigation under section 10(3) of the *Ombudsperson Act*. The committee passed a motion to "refer the Ministry of Health terminations file to the Ombudsperson for investigation and report as the Ombudsperson may see fit, including events leading up to the decision to terminate the employees; the decision to terminate itself; the actions taken by government following the terminations; and any other matters the Ombudsperson may deem worthy of investigation. The committee trusts that his investigation can conclude in a timely manner."

On September 9, 2015, the committee unanimously approved special directions that set out in more detail the scope of the investigation and the requirement of the Ombudsperson to issue a public report at its conclusion. The special directions can be found online at www.bcombudsperson.ca.

Following the referral, the office began planning for the resources that would be needed to conduct a thorough and impartial investigation. The committee subsequently reviewed the office's budget submissions and recommended that the Ministry of Finance approve a supplementary budget for 2015/16 and a budget increase in 2016/17. This additional funding was necessary to complete the referral investigation without it significantly affecting the office's ability to respond in a timely manner to all of the other complaints received each year. The Minister of Finance allocated the full amount approved by the committee for the referral investigation.

Because the Office of the Ombudsperson had completed a significant amount of work on planning the investigation the team was able to begin its work with little delay once the special directions were issued and the budget for 2015/16 was approved. The investigation team consists of a manager, investigators and records management/support staff. The investigation is continuing as of the date of this Annual Report.

Outreach

Outreach activities support the office's mandate and reinforces accountability to the people of British Columbia and the Legislative Assembly.

A number of outreach activities took place in 2015/2016 including:

- New Ombudsperson website
- Ombudsperson tour of the southern Lower Mainland including mobile complaint clinics in Tsawwassen, North Delta, New Westminster, Surrey and White Rock
- Posters for institutions and stakeholders
- Practical reference cards for fair complaint handling
- Public library awareness campaign
- Public presentations and stakeholder meetings
- Job alerts email tool for prospective employees

Fairness for Seniors Presentation in North Delta, January 2016

2015/2016 Outreach Tours

Ladner, New Westminster, North Delta, Surrey, Tsawwassen, and White Rock

The Ombudsperson and staff held mobile complaint clinics in five southern Lower Mainland communities and met local residents to hear their fairness concerns and process their complaints. In partnership with local non-profit community service organizations, the Ombudsperson conducted public presentations on both seniors' care and income assistance issues. Individual meetings were held with thirteen public authorities in the region.

2015/2016 Outreach to Non Profit Groups and Other Organizations

- BC Legislative Internship Program
- British Columbia Old Age Pensioners Association (Victoria)
- Canadian Patient Relations Conference
- Centre for Seniors Information (Kamloops)
- Community Coordination for Women's Safety
- Criminal Justice Association
- Deltassist Family and Community Services Society
- Integrity in Local Governments Conference
- Local Government Leadership Academy
- National Association for College Admission Counseling (United States)

Presentation to the BC Old Age Pensioners Association, Victoria, January 2016

- Seniors Services Society
- Seniors' Symposium
- Sources Community Resource Centres Society
- Union of British Columbia Municipalities
- University of Victoria Law Centre
- University of Victoria Law School

2015/2016 Outreach to Authorities

- Alouette Correctional Centre for Women
- City of Langley
- City of New Westminster
- City of Surrey
- City of White Rock
- Community Living BC
- Corporation of Delta
- District of North Vancouver
- District of Oak Bay
- District of Saanich
- Douglas College
- Forensic Psychiatric Hospital
- Fraser Health
- Fraser Regional Correctional Centre
- Insurance Corporation of British Columbia
- Justice Institute of British Columbia
- Kamloops Regional Correctional Centre
- Kwantlen Polytechnic University
- Land Title and Survey Authority

Booth at the Union of British Columbia Municipalities Convention, September 2015

- Ministry of Children and Family Development
- Ministry of Justice
- Ministry of Social Development and Social Innovation
- Nanaimo Regional Correctional Centre
- Prince George Regional Correctional Centre
- Prince George Youth Custody Services Centre
- School District No. 36 (Surrey)
- School District No. 37 (Delta)
- School District No. 40 (New Westminster)
- School District No. 57 (Prince George)
- Surrey Pretrial Services Centre
- Thompson Rivers University
- WorkSafeBC

Professional Contact with Other Ombudsperson Organizations and Groups

- Association of Canadian College and University Ombuds
- Correctional Investigator of Canada
- Corruption Eradication Commission (Indonesia)
- Forum of Canadian Ombudsman
- Manitoba Ombudsman
- Ontario Ombudsman
- Public Interest Disclosure Commissioners of Canada
- Simon Fraser Ombudsman
- UBC Ombudsman

Long Service Awards

2015/2016 saw the re-introduction of the Ombudsperson's Long Service Awards to recognize the hard work and dedication of veteran staff. While the BC Public Service Long Service Awards recognize years of service across the provincial public sector, the Ombudsperson Long Service Awards focus only on years of service with the Office of the Ombudsperson.

5 YEARS

- Linda Blackman
- Jayne Elder
- Zoë Jackson
- Katherine Jeakins
- Rose Stanton
- Dave Murray
- Kathy Bannister
- Ross Barlow
- Lisa Evans

10 YEARS

- Teri Burley
- Victor Gardner

15 YEARS

- Christina McMillan
- Brad Cambrey

20 YEARS

- Rhonda Brown
- Janice Curtis
- Rochelle Walter
- Bruce Clarke
- Jennifer Bertsch

30 YEARS

- Christine Morris

> "I would like to acknowledge the courteous and professional way your office has dealt with my letter. While the end result has not been in my favour, I have no argument with the way the Ombudsperson's group dealt with my complaint."
>
> Complainant - 2015/2016

BC Public Service Long Service Award Recipients

The Lieutenant Governor recognized four BC Ombudsperson staff for their careers in the provincial public sector.

Jayne Elder – 30 years

Christine Morris – 30 years

Bruce Clarke – 25 years

Dave Van Swieten – 25 years

> *"I wanted to commend you on the bylaw enforcement best practices guide. It is a long time coming and generally is in keeping with the principles that I use for bylaw enforcement work."*
>
> Guy Gusdal
> Manager, Bylaw Services,
> City of North Vancouver

> "[The Ombudsperson's] comments served as a reminder that fairness matters in the treatment of seniors in BC and that even if change takes a while, change can happen."
>
> Kim Slater
> Chairperson,
> Vancouver Island Association of Family Councils

Corporate Shared Services

Intake Team

Health and Local Services Team

Regulatory Programs Team

> *"Participants were struck by the clear passion and dedication for the work you do and the people you help. Thank you."*
>
> Mariam Larson,
> Consulting Gerontologist

UVic Law Co-op Students

The Office of the Ombudsperson

Our Vision

British Columbia's Independent Voice for Fairness

Our Purpose

- Ensure that the people of British Columbia are treated fairly in the provision of public services
- Promote and foster fairness and accountability in public administration
- Provide an independent avenue of last resort for individuals with complaints about government services

What We Do

- Respond to inquiries from the public
- Educate citizens and public authorities on issues of administrative fairness
- Conduct thorough, impartial and independent investigations of complaints
- Independently investigate apparent administrative unfairness
- Facilitate resolutions of complaints and improvements to the administration of public policy through consultation and recommendations
- Report to the Legislative Assembly and the people of British Columbia to bring attention to matters of administrative unfairness and the work of the office generally

Our Guiding Principles

HOW WE SERVE THE PUBLIC

- We are fair and impartial
- We are professional and thorough
- We listen with respect
- We seek resolutions that are principled and practical

HOW WE WORK WITHIN OUR OFFICE

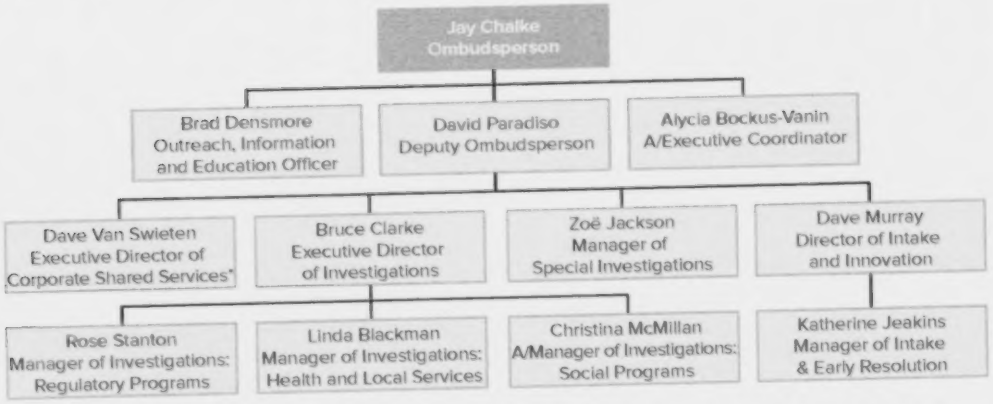
- We respect and support each other as a team
- We are committed to high standards of practice in our work
- We strive continuously to improve our services
- We value the expertise and knowledge of our staff

Our Goals

- People who need us are aware of our services and can access them
- Complaints are addressed efficiently
- Thorough and impartial investigations promote fair public administration
- Public authorities are supported in improving administration
- Staff are recognized for their expertise

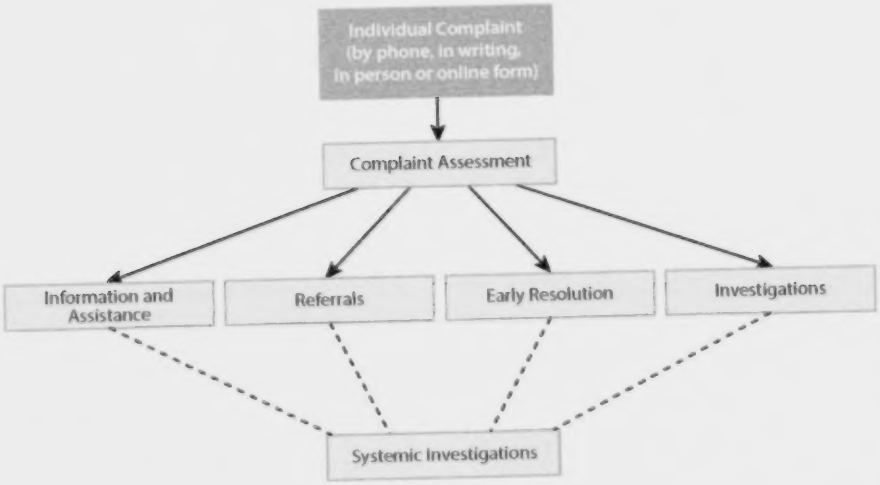
From: 2016–2021 Strategic Plan

Our Management Team 2015/2016



* Corporate Shared Services is part of the Office of the Ombudsperson and provides support to four independent Officers of the Legislature: the Office of the Information and Privacy Commissioner, the Office of the Merit Commissioner, the Office of the Ombudsperson, and the Office of the Police Complaint Commissioner.

How We Assist – Our Process



What is Administrative Fairness?

Administrative fairness encompasses well-recognized principles of procedural fairness and good administrative practices. These include adequate and appropriate legal authority; functional organization and management structure; necessary and useful policies and procedures; clear and accessible public information; timely access to programs; consistent standards of practice; adequate and appropriate monitoring and enforcement; and timely and appropriate complaint resolution and program evaluation.

What We Can Investigate

Complaints of unfair actions and decisions by:

- Provincial ministries
- Provincial agencies, boards and commissions
- Crown corporations
- Local governments
- Health authorities
- School boards, colleges and universities
- Self-regulating professions and public pension boards of trustees

The list of authorities can be found in the Schedule to the *Ombudsperson Act*.

What Findings We Can Make

An action/decision/recommendation/omission is:

- Contrary to law
- Unjust, oppressive, improperly discriminatory
- Done pursuant to an unjust, oppressive, or improperly discriminatory law, regulation, direction, guideline or policy
- Based on a mistake of law or fact
- Based on arbitrary, unreasonable, or unfair procedures
- Done for an improper purpose
- Not explained with adequate and appropriate reasons
- Based on irrelevant considerations
- Improper
- Otherwise wrong
- Negligent

What Recommendations We Can Make

- Refer a matter for further consideration
- An act be remedied
- A decision or recommendation be cancelled or changed
- Reasons be given
- A practice, procedure or course of conduct be altered
- An enactment or other rule of law be reconsidered
- Any other step be taken

Our Approach

- Independent
- Impartial
- Consultative
- Resolution-oriented

All the inquiries and complaints received are tracked and help determine where the office can most usefully conduct a systemic investigation.

Case Summaries

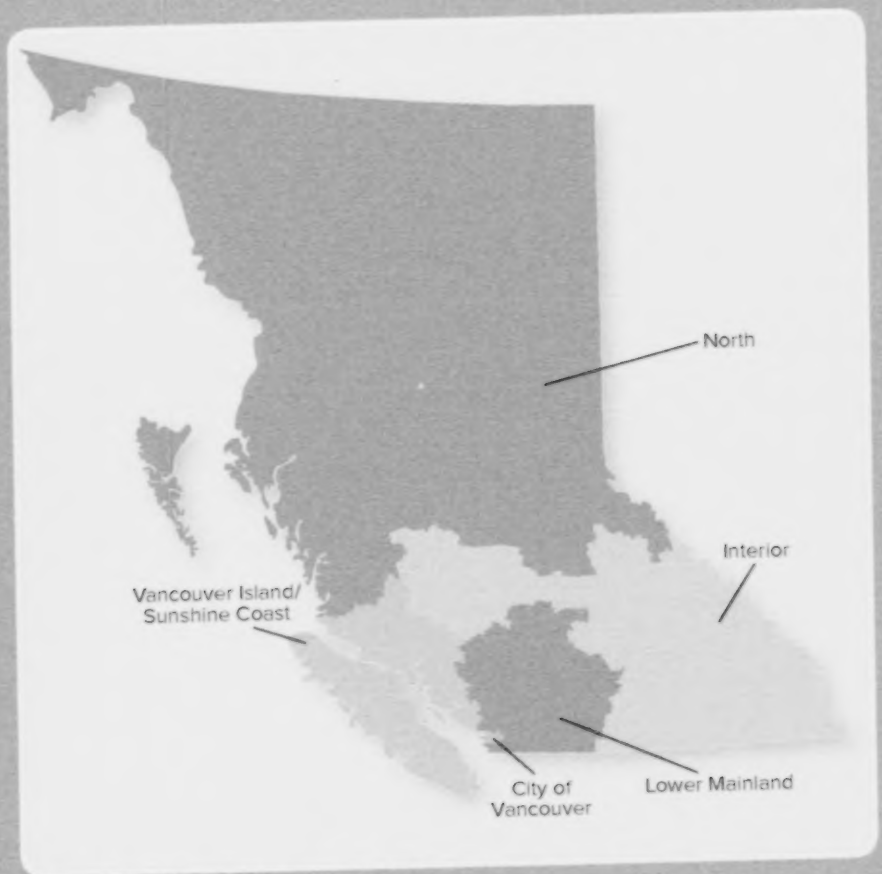
Overview

Case summaries help tell a story of what was achieved for individuals over the course of 2015/2016. The first few pages are complaints resolved through our early resolution process. This is an expedited process for matters that could be resolved more quickly. The remaining summaries briefly illustrate cases closed after a formal investigation.

Case summaries represent only a fraction of the work conducted by the Office of the Ombudsperson. They are selected from the 1,819 formal investigations and 303 early resolutions completed this year and cover a wide spectrum of complaints and investigations.

All Ombudsperson investigations help resolve administrative unfairness in local government, Crown corporations, provincial ministries, health authorities and the many other provincial public authorities. Persistence on the part of investigators resulted in new hearings or re-assessments, access to benefits, apologies, reimbursement of expenses, improved policies or procedures and better explanation of decisions.

For 2015/2016, a new corrections section includes five case summaries. Four of the five summaries involve complaints about health care services in custody. Proper, timely health care comparable to that available to the general public is the standard that should be applied in custody.



Public programs impact British Columbians across all walks of life. Anyone can make a complaint if they have been treated unfairly. These case summaries, also available online, are grouped by subject theme to reflect the wide-ranging individual circumstances that connect administrative unfairness, a complaint, and an Ombudsperson investigation.

We have changed the names of the people in all our case summaries to protect their confidentiality. The photographs in the case summaries are not of the clients or their circumstances.

Early Resolution

Since 2008, the Early Resolution Program has addressed certain complaints through an expedited investigative process. The program deals swiftly with complaints when an opportunity exists for the authority to take immediate action to resolve less complex issues, before we enter into a full, formal investigation. Early Resolution issues may include timeliness, communication, and opportunities for internal review. The following case summaries illustrate how the Early Resolution Program helps complainants and authorities resolve issues at the earliest opportunity.

An Unfortunate Dust-up

MINISTRY OF FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS

THE INTERIOR

After several weeks of hot July weather, Ned had a problem blanketing his farm. Dust from an adjacent provincial forest service road was choking his produce and aggravating his farm animals.

Ned called the ministry to complain about the dust and was referred to the forestry company responsible for maintaining the road. When Ned called the company he was told dust suppression was not one of their maintenance responsibilities. Ned called us.

When we contacted the ministry, they agreed to review Ned's complaint and work with the company to find a reasonable solution. As a result of our intervention, the ministry arranged dust control with the company and provided Ned with a ministry staff contact whom he could contact in the future, if necessary. Ned was pleased to have his problem addressed.

How Do You Budget for This?

MINISTRY OF SOCIAL DEVELOPMENT AND SOCIAL INNOVATION

THE NORTH

Cecil was released from hospital after several trying weeks of cancer treatment. Finally home, a new set of stresses emerged: between the new medical supplies and regular transportation to medical appointments, Cecil's costs were stacking up. The new expenses took their toll on his food budget.

With the support of his doctor and a dietitian, Cecil submitted forms to the ministry requesting financial assistance. The ministry told Cecil to expect a response within five days. On day five, he called the 1-800 number for an update and was now told to wait up to three weeks. Worried, Cecil called us.

We asked the ministry to give Cecil a call and the ministry agreed, reaching him the next day. The ministry also suggested Cecil might apply for Persons with Disability status to increase his assistance and sent him information about that process. When we checked in with Cecil his assistance had been approved and he could now focus on his recovery. Cecil thanked us for the help.

Can He Do That?

RESIDENTIAL TENANCY BRANCH

VANCOUVER ISLAND / SUNSHINE COAST

One day, Michel's landlord sent a note to him and his neighbours: they would be charged a late fee if they did not pay their rent by 11:00 a.m. on the first of each month. Michel thought this seemed wrong, so he called the Residential Tenancy Branch to find out.

Michel tried for two days to get through to the RTB. Each time, he was put on hold until, eventually, the call was disconnected. Michel came to us and we arranged contact.

The next day, Michel received his call from the RTB and learned that the *Residential Tenancy Act* allows tenants the full day to make on-time payment. Furthermore, it is not appropriate for landlords to introduce any late fees that are not included in valid tenancy agreements.

The RTB offered to talk to Michel's landlord. Michel declined – he and some other tenants would write to the landlord instead.

A New Year's Resolution

MINISTRY OF SOCIAL DEVELOPMENT AND SOCIAL INNOVATION

THE LOWER MAINLAND

Money was tight. Giselle had been assured by the ministry that the amount of income assistance she was receiving would be increased to reflect that her 15 year-old son was living with her. She had been told that this increase would be added before Christmas. It was not.

Earlier, Giselle submitted all the required documentation proving she had sole guardianship of her son. She had no way of anticipating any problems.

By the end of December, Giselle and her son were relying on a $35 crisis grant and the generosity of her son's friends for food. The ministry could not explain why her income assistance had not been increased to reflect that her son was living with her, but promised to sort it out after New Year's Day – a holiday for the ministry.

Fearing one more day without food, Giselle contacted us on December 31 and we asked the ministry to call Giselle back to resolve the issue. The ministry started work right away. Before lunchtime, Giselle told us that she informed the ministry of her urgent expenses looking after her son, and the ministry agreed to increase her income assistance to reflect that she had a child. A cheque was ready for Giselle to pick up at 3 pm that day.

Speaking Up

MINISTRY OF SOCIAL DEVELOPMENT AND SOCIAL INNOVATION

THE INTERIOR

Morgan had disabilities that made communicating difficult. She had no phone or computer but her advocate, Bart, helped her interact with the ministry.

Morgan had a special diet due to her condition, so Bart helped her apply for a dietary top-up to her disability assistance cheque. He sent in the paperwork.

Weeks turned into months without word back from the ministry. Bart tried following up. He called the ministry's toll-free number twice. After waiting on hold for well over an hour, Bart tried the call-back feature and – eventually – got through. Finally, the ministry agreed to process Morgan's application. Bart had concerns about the ministry's service delivery: he expected better. He contacted us.

We contacted the ministry who agreed to call Bart and discuss.

Later, we checked in with Bart. He said the manager listened attentively and provided a direct line, cell number and her work email address – encouraging him to contact her should he notice any urgent service quality issues affecting Morgan. Bart told us he was pleased with the outcome of his complaint.

Easy Debt Relief

MINISTRY OF HEALTH

THE LOWER MAINLAND

Joseph had a job that paid his Medical Services Plan premiums. He had not seen an MSP bill for some time and was surprised one day to receive a bill for unpaid MSP premiums in the mail. Joseph checked with his employer – the mistake wasn't on their end. Those bills had been paid.

Joseph got on the phone, but couldn't get through: Health Insurance BC referred Joseph to Revenue Services BC, the provincial collections agency. RSBC referred him back to HIBC. When Joseph asked for a supervisor his calls were not returned. It continued. After a year attempting to resolve the issue unsuccessfully on his own, Joseph called us.

We spoke with HIBC who agreed to review its file. Joseph's account had been removed from his group plan in error. His bills had, in fact, been paid in full.

HIBC then called Joseph to discuss his poor service experience – and to confirm he was no longer $1600 in arrears. With the matter resolved, Joseph said he only wished he called us sooner.

Joseph's account had been removed from his group plan in error. His bills had, in fact, been paid in full.

Getting Home

MINISTRY OF CHILDREN AND FAMILY DEVELOPMENT

VANCOUVER ISLAND / SUNSHINE COAST

Jesse's mother had returned to her home country far away and his father worked in another province. Jesse hadn't spoken to his mother for almost a year and had no contact information for his father. He wanted to stay in BC where he was raised and attended high school, but he needed financial help. When Jesse asked the ministry for financial assistance, the ministry suggested he join his father and offered to pay for travel costs to the remote northern community in the other province where his father lived.

Jesse reluctantly accepted the offer. After arriving, he found his father was sharing an apartment with seven other workers. This living arrangement was not ideal in the short term, and was going to be unworkable in the longer term – Jesse's father was planning to return to his home country. Jesse's father was not sure how long he would be gone and he had no plan for Jesse.

Jesse made his way back to BC and stayed with the families of his friends. He again approached the ministry with a request for support. Jesse contacted us, saying he was given a list of resources and told that if he wanted to stay in BC, he was on his own.

After speaking with Jesse we contacted the ministry and reviewed its records along with a child and family services file involving Jesse from the other province. We asked the ministry about steps it had taken to confirm information Jesse provided and to determine the suitability of options that might be available to him.

In response, the ministry made further inquiries, starting with Jesse's father, the principal at Jesse's high school and the social worker in the other province. The ministry confirmed that Jesse did not have a suitable place to live in the other province and that his parents were not able to support him. Consequently, the ministry decided to reassess Jesse's eligibility for financial support.

Following reassessment for services by a new social worker, Jesse was quickly placed on a youth agreement that provided financial support which allowed him to board with a local family.

When we reconnected with Jesse he was in a much better place. He was relieved and happy to live in a safe environment where he could focus on his goals such as graduating from high school.

A Better Way to Follow Up

MAINTENANCE ENFORCEMENT AND LOCATE SERVICES

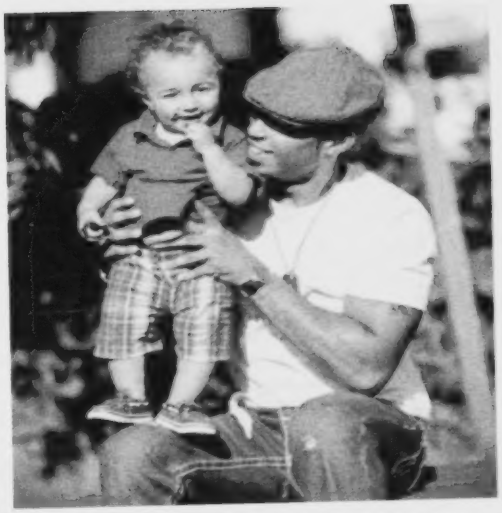
THE INTERIOR

Vinnie wanted to vary a child support order made in another province. He hired a lawyer in that province and then learned he had to submit his application through Interjurisdictional Support Services. Vinnie submitted his application to IJSS and, several months later, received confirmation the application had been reviewed and forwarded to its counterpart in the other province to arrange a hearing there. IJSS enclosed an information sheet explaining its process.

More than a year after receiving the confirmation letter from IJSS, Vinnie needed answers. He made a complaint to us and contacted IJSS again. IJSS contacted its counterpart in the other province, noted the amount of time that had passed since the application was submitted and asked if they would expedite the case on their end. In response, the counterpart office processed Vinnie's application without further delay and sent it to the courts. A court hearing was scheduled a short time later. Vinnie remained concerned that IJSS had not done enough to stay on top of the matter and ensure that his application was processed in the other province.

In response to our questions, IJSS explained the other province was responsible for the delay and that periodic efforts by IJSS to obtain updates on the status of Vinnie's application had yielded no response. It wasn't until Vinnie contacted IJSS to complain that IJSS took steps beyond the regular process to facilitate the process.

Looking at the IJSS information sheet that was enclosed in the letter to Vinnie, we wondered if IJSS had set unrealistic expectations. The information sheet stated IJSS would ensure applications are



received and processed by the authorities in the respondent's jurisdiction – this was something IJSS told us it cannot do.

We asked IJSS to amend its information sheet – if it cannot ensure an application will be processed by an authority in another jurisdiction, it should not make that promise. IJSS agreed. The information sheet now says IJSS will seek confirmation that an application had been received and processed – a more accurate description of the steps an applicant can expect the IJSS to take.

We also discussed with IJSS steps it might take if an authority in another jurisdiction is not responsive to requests for status updates. In response, IJSS implemented a new policy that provides for follow up at a more senior level if IJSS does not receive confirmation that processing is complete within a reasonable period.

Vinnie was appreciative and said he was pleased that in the future, IJSS would make more thorough and determined efforts to follow up with the other jurisdiction.

Unreasonable Procedure in Youth Custody

BURNABY YOUTH CUSTODY SERVICES

THE LOWER MAINLAND

Richard and several other residents of a youth custody centre were concerned about being placed on one-to-one status and moved to what they referred to as a segregation unit.

Being on one-to-one status meant that one staff person had to be with the youth whenever the youth was outside of his or her room. As there were sometimes insufficient staff on shift to allow a dedicated staff person to be with a single youth at all times, youths on one-to-one status spent significant time locked in their rooms.

In some cases, youths on one-to-one status were transferred to a unit that was not otherwise in use. Sometimes the youth on one-to-one was the only person on the unit and at other times, youths would be allowed out of their rooms only one at a time. The youths complained they were not getting access to programs and had limited or no opportunities to interact with other youths on the unit.

Richard stayed on the separate unit for ten days and his one-to-one status was in place during this period. Documentation we reviewed indicated that Richard received no programming on his first day and received limited access to programming on subsequent days. The centre's daily logs indicated that on multiple occasions Richard was locked in his room for periods ranging from 30 minutes to 2.5 hours. We found that the other youths who contacted us had similar experiences. Records indicated that the assistant director spoke to Richard and other youths living on the unit but there was no detail regarding the substance of those discussions.

We noted there were no references to or authorization for one-to-one status in either legislation or policy. It seemed to us that the circumstances of the youths who complained to us constituted separate confinement. While separate confinement is authorized under the *Youth Custody Regulation*, the authority to separately confine a youth is, for good reason, subject to a number of limitations and procedural safeguards. As the centre viewed one-to-one status as a behaviour management strategy rather than separate confinement, it did not consider Richard and other youths on one-to-one status to be separately confined, and the rules related to separate confinement had therefore not been followed. In particular, the limited circumstances under which a youth may be separately confined did not necessarily exist and the periods that Richard and others were separately confined seemed to far exceed the duration allowed under the *Youth Custody Regulation*. Furthermore, it did not appear that adequate documentation and reporting requirements under policy and legislation were being consistently met.

The *Youth Custody Regulation* states that youths may not be separately confined for a period longer than is necessary and to a maximum of 72 hours. While there are provisions that allow a separate confinement order to continue beyond 72 hours, policy states that only in the most unusual and extreme circumstances should this happen. If a youth is confined separately for more than 72 hours, the *Regulation* requires both centre staff and the Provincial Director of Youth Justice to take specific steps to review the separate confinement and to record those decisions. We were concerned that the effect of one-to-one status resulted in the separate confinement of youths without the safeguards of the *Regulation*.

In response to the concerns raised by our Office and after extensive consultation,

Youth Custody Services discontinued its practice of using one-to-one as a behaviour management strategy and had senior management follow up with staff to ensure behaviour management strategies and consequences that were applied were consistent with the *Youth Custody Regulation* and youth custody policy and procedures.

In addition, a process to review and update the existing youth custody policy and the *Youth Custody Regulation* regarding separate confinement of youths was initiated. Changes to the youth custody policy were to require information regarding the definition of separate confinement, a process for ensuring that youths had the opportunity to dispute the imposition of separate confinement, and the development and communication of a clearly documented plan to support the youths while on separate confinement status.

With respect to the concerns we noted about the lack of detail on the youths' daily logs, policy changes were to include more detailed descriptions of the youths' activities, demeanour and/or physical condition, access to programs and services and any period outside of the room. Finally, any information flowing from a daily review or discussions held by staff pertaining to the continuation or lifting of a youth's separate confinement status was to be documented.

We were satisfied that the serious issues that we had identified through our investigation were being addressed.

On Again, Off Again...

MINISTRY OF CHILDREN AND FAMILY DEVELOPMENT

THE LOWER MAINLAND

Shane was referred to the ministry's Child and Youth Mental Health Services office by his daughter's elementary school. The school thought Shane's daughter Max could be eligible for the wide range of specialized services CYMH offered without charge to help children with serious mental health challenges. After consulting with a paediatrician, Shane met with CYMH's clinician who said Max would be put on the waiting list for a personalized care plan. In the meantime, Shane was to have Max seen by a child psychiatrist whose report would be used to design the plan.

When Shane called back to give the psychiatrist's report to CYMH, the same clinician told him Max was no longer on the waiting list, could not explain the reason and did not recall their meeting. Shane booked another meeting with the clinician to straighten it out. This time the clinician told Shane that Max would not be put on the list because she was not a good fit for CYMH services. Shane asked for someone to review Max's file, but the clinician told him that the decision was final. Shane was baffled by the about-face and wouldn't accept that there was no help for Max. She was not in school and she was not getting treatment.

When we began to investigate, CYMH conducted a review of the file and discovered that the clinician was incorrect: Max was indeed on the list. The clinician's supervisor agreed to contact Shane immediately to schedule an appointment with a different clinician.

While the supervisor took measures to correct the first clinician's performance,

Shane's complaint revealed flaws in CYMH's intake process and case management. The supervisor also told us that he would be reviewing CYMH's intake procedures, training and staffing to prevent a similar occurrence in the future. We also identified confusing information in the CYMH's print materials and online, which were corrected when we brought it to their attention.

We followed up with Shane to confirm that the appointment was scheduled. Shane was still concerned about getting suitable treatment and support for Max to return to school.

The correspondence from the school to Shane showed responsiveness and positive communication, so there was no need for us to investigate his concerns at that time. Shane agreed knowing that he could bring a separate complaint if he was not treated fairly.

As a result of our investigation, the CYMH addressed not only Shane's specific complaint, but also the quality of its intake process, communication and case management, therefore we considered the complaint to be settled.

Jolene, Jolene

VITAL STATISTICS AGENCY

VANCOUVER ISLAND / SUNSHINE COAST

Having carefully inputted all the information online, Jolene was surprised to see her daughter's birth certificate arrive with a glaring error: "Jolene" was repeated twice as the mother's name.

When Jolene contacted Vital Statistics to correct the error, she was told to pay the $71 fee for the correction of online registration user errors. Jolene grudgingly paid the fee and happily received a correct birth certificate for her newborn.

Still, Jolene did not like paying for someone else's mistake and wanted a refund. Vital Statistics declined to investigate or refund the fee. Unhappy with this response, Jolene came to us.

We agreed to investigate, concerned that Vital Statistics might have dismissed Jolene's request for a refund without first taking reasonable steps to identify the source of the error on her daughter's birth certificate.

Vital Statistics' electronic files showed that the mistake was indeed no fault of Jolene. Because of our investigation, Vital Statistics agreed to amend its internal procedures. Now, when a customer calls about an error on their baby's birth certificate, Vital Statistics will review the customer's file to determine the cause – before deciding whether to issue a fee. Vital Statistics also agreed to provide a refund to Jolene and a letter of apology.

Investigative Case Summaries – Corrections

The Other Doctor Is In

NORTH FRASER PRETRIAL CENTRE

THE LOWER MAINLAND

Brian, an inmate in a pretrial detention centre, did not agree with a prescription decision made by the pretrial centre doctor and asked for a second medical opinion. The pretrial centre denied Brian's request: the doctor's word was final. Brian said that when he complained to the Investigation and Standards Office, he was told they agreed with the centre.

Undeterred, Brian contacted us.

During an in person visit, centre officials told us they would not bring in a physician to provide a second medical opinion. In fact there was a detailed policy setting out the procedures for responding to requests from inmates for second medical opinions. Provincial policy allows inmates to be visited and interviewed by clinicians who are not on staff or retained by the Corrections Branch. The inmate who requests the visit or interview is responsible for any associated costs.

We asked the pretrial centre to give Brian this information and to remind staff that a process exists for inmates who want a second medical opinion.

The pretrial centre wrote to Brian explaining that the Health Care Services Manual does allow him to obtain a second medical opinion at his own expense and provided him with a copy of the policy. We were also shown an email sent to all corrections staff reminding them of the policy.

Satisfied that Brian had the information he needed and that staff were prepared to assist him and other inmates with similar requests, we closed our file.

The pretrial centre wrote to Brian explaining that the Health Care Services Manual does allow him to obtain a second medical opinion at his own expense and provided him with a copy of the policy.

What Kind of Threat?

VANCOUVER ISLAND REGIONAL CORRECTIONAL CENTRE

VANCOUVER ISLAND / SUNSHINE COAST

Kyle lived in a unit that allowed inmates opportunities to interact, exercise and enjoy fresh air.

One evening, the unit was locked down after a series of related incidents that might threaten the security of the centre. Kyle was separately confined and searched. Staff also searched his cell and confiscated personal items.

The next morning, Kyle's possessions were returned and he was given a notice. The notice said Kyle was separately confined because he was jeopardizing the management, operation or security of the centre, or was likely to do so.

Kyle did not think his separate confinement was warranted and was also concerned about the effect the separate confinement notice might have on his eligibility for sentence remission later on.

For the next eight days, the unit was on rotational lock down and Kyle was rarely allowed out of his cell. Kyle made a call to us just before the unit returned to regular routine.

Correctional centres are authorized to place inmates in temporary separate confinement in a number of circumstances including when there is a credible threat to their personal safety. Our investigation determined Kyle and others had been separately confined for their safety and not because they were jeopardizing the management, operation or security of the centre.

We asked the centre to write to Kyle and other inmates who were given the wrong explanation for their separate confinement. We also asked the centre to amend any records that did not accurately record the reasons for the separate confinement.

The correctional centre acknowledged its error, wrote to Kyle, corrected records and established a process for addressing related problems for other inmates on the unit. Kyle could rest assured knowing that the reason for his separate confinement was now correctly recorded.

Hope for a Cure

INVESTIGATION AND STANDARDS OFFICE

THE INTERIOR

Chris had been battling a potentially life threatening illness for many years when a promising new treatment came out offering hope for a cure. He signed up for treatment and received preliminary screening at several clinics. Then Chris came into conflict with the law and was imprisoned.

Chris had long coped with his illness through a strictly modified diet. Now incarcerated, Chris could no longer follow the diet and he became increasingly concerned about his prognosis. Chris asked about his access to the new treatment and the prison's healthcare provider told Chris that it would not administer the treatment.

Chris understood that the new treatment for his condition was offered at federal correctional centres, so he asked why it was not available at the provincial centre. Chris did not receive a reply.

Following the inmate complaint process, Chris then wrote to the Investigation and Standards Office. In response to Chris's concerns, ISO contacted the healthcare provider at the prison and discussed the matter. Satisfied with the response, ISO then wrote to Chris explaining that if he was told that he was not a candidate to receive the treatment, the decision was made with his best interests in mind.

Chris had not been told at any point exactly why he was not a candidate for treatment. From his perspective, he had a life threatening illness and a cure was within sight. Chris only wanted answers. He contacted us and we decided to investigate.

Our investigations often focus on the adequacy and appropriateness of reasons for decisions. What constitutes adequate and appropriate reasons will depend on the nature of the decision and the context in which the decision is made. Where, as in this case, a decision may have significant consequences to an individual, a greater obligation exists to provide clear and comprehensible reasons.

We talked to ISO about providing people with meaningful reasons and the basis on which we believed they were warranted in this case. We then asked that a copy of those reasons be provided to us so that we could understand the decision that impacted Chris. ISO agreed to make that happen. Shortly after, the health care administrator said they were reassessing their original decision. Chris was given an appointment to see a medical specialist who could determine his suitability for treatment.

Several months later we followed up and learned Chris was approved for the new treatment that he had been screened for when he was living in the community.

Medication Denied

PRINCE GEORGE REGIONAL CORRECTIONAL CENTRE

THE NORTH

Don had mental health problems for which he was getting help from a specialist. When he was convicted and given a custodial sentence, Don became concerned that his treatment would be discontinued.

Don talked to his specialist about obtaining treatment in prison. She assured Don that necessary medications prescribed by specialists continue to be dispensed during incarceration – he had nothing to worry about.

The correctional centre's doctor did not concur with Don's specialist regarding the appropriate treatment for his condition. Don's medication was discontinued upon admission.

As Don's condition deteriorated, he asked the correctional centre for his medication many times without success. The doctor's word was final. Eventually, Don came to us. We investigated immediately due to the nature of his concern.

Given that Don's medication was one typically prescribed only after diagnosis by a specialist, we asked whether it would have been reasonable for such a specialist to have also made the decision to discontinue. At this point, we also determined that medical staff at the centre were concerned that Don was showing troubling symptoms of his condition.

We discussed the matter with the BC Corrections Branch which agreed Don should have been referred to a specialist and identified a pattern of medications being routinely denied to inmates upon admission at this correctional centre. Unfortunately, by the time the branch took corrective action, Don had already been transferred to a federal penitentiary – still without his medication.

The branch agreed to write to the penitentiary to ensure that health care staff at the penitentiary were aware of Don's need for a referral to a psychiatrist and had access to relevant medical information concerning Don's mental health. The branch also agreed to write to Don and apologize for what had occurred. We confirmed both letters were sent and closed our file.

Pain Medications in Prison

PRINCE GEORGE REGIONAL CORRECTIONAL CENTRE

THE NORTH

When Jim was a young man he was in a serious car accident that caused permanent nerve damage to his neck. Jim's medical records documented this condition and the various treatments his doctors tried, including prescriptions for a number of nerve-specific pain medications. Shortly before Jim was incarcerated, he was a passenger in a vehicle involved in another accident that aggravated his condition. When Jim saw a doctor at the correctional centre he was told that he would not be receiving the nerve-specific pain medication he had been prescribed at the time of his arrest.

When Jim contacted us, he explained that the medication he was provided in prison in place of his previous medication was not working. He told us that he could barely move without pain and that he could only manage to sleep a few hours a night. Despite making many follow-up requests for a reassessment of his condition, Jim had not been seen again by the doctor. He did not understand why a doctor who barely knew him or his condition would decide to change the medication he had been prescribed by other doctors for a well-documented medical condition.

Given the pain Jim said he was experiencing we investigated his allegations immediately. We were informed that the centre followed established protocol in providing Jim's care and that he had seen a doctor who determined the best treatment for his condition. The centre's medical staff acknowledged being aware of Jim's medical history and what medications he was taking at the time he was arrested. The centre explained that its doctor had decided not to allow one of these prescriptions because it was not an acceptable medication in the prison setting due to the potential for misuse. The centre also explained why it believed the medication he was denied was not suitable for treating the pain Jim was experiencing.

As we were unaware that any medication had been determined to be not acceptable in the prison setting we asked the medical service provider for the basis of its decision. In response the provider clarified that we had been misinformed and that there were no medications deemed unsuitable for use in prison. We were told that medication needs assessments were conducted patient by patient and that, if required, any medication could be prescribed and administered.

The medical service provider decided to reassess Jim's needs. It had a different doctor conduct a new assessment with the result that Jim had the dosage of one of his medications increased and was provided a new medication for his pain. When we spoke with Jim after this second assessment he acknowledged that he was once again able to sleep through the night, his pain had decreased and other symptoms had lessened.

A Ticket to Ride

TRANSLINK (SOUTH COAST BRITISH COLUMBIA TRANSPORTATION AUTHORITY)

VANCOUVER

Mark could not show his transit pass when the fare inspector arrived and received a $173 fine.

Mark had autism and other disabilities: he was chronically forgetful. Mark had a monthly transit pass – he just did not remember it that day.

After disputing the fine unsuccessfully with TransLink, Mark's father contacted us. About the same time, we received a similar complaint, involving Will, a young man who suffered from a childhood brain injury. Will's mother had also appealed the decision. Like Mark's father, she submitted evidence showing that her son's forgetfulness was linked to his disability. She also submitted proof that Will had a valid transit pass.

In both cases the adjudicators hearing the appeals accepted the evidence put forward, but maintained they did not have discretion to cancel the ticket.

We investigated both complaints concurrently.

After confirming the facts of the cases and reviewing TransLink's enabling legislation, we asked TransLink about the need to apply discretion in cases like these. TransLink was concerned about the challenges a fare inspector would face trying to assess whether a person had a disability that would limit his or her ability to remember to carry a valid pass.

Consequently, we discussed allowing discretion at the appeals stage, where medical and other contributing information could be duly considered. We also proposed Will's and Mark's cases be reconsidered. TransLink agreed, reconsidered Mark's and Will's cases, and forgave their fines. Additionally, TransLink decided to review and amend its procedures based on these two cases.

The two families were pleased with the outcome of their complaints – Mark and Will could each look forward to their next trip on the Skytrain.

How Complicated Can It Be?

INSURANCE CORPORATION OF BRITISH COLUMBIA

THE INTERIOR

Frank didn't cancel his car insurance before he went to prison to serve a sixteen month prison sentence. Several months later, he received a letter from ICBC advising that he needed to pay $430 or cancel his insurance: Frank asked his sister Marge to cancel the insurance.

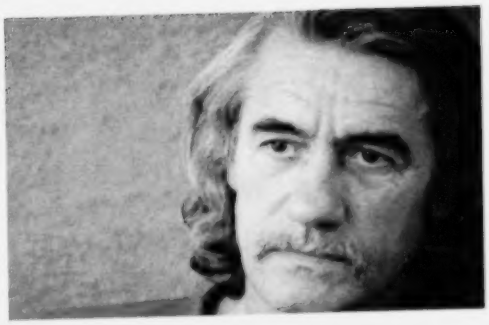
Marge gathered Frank's insurance papers and licence plates and took them to an insurance broker. Unsure how to proceed, the broker called ICBC who relayed that Marge needed power of attorney for her brother before they could take the plates.

Marge left the insurance office and visited Frank's lawyer within the next few days. The lawyer told Marge she just needed to provide evidence that Frank asked her to cancel the insurance – not a power of attorney. In case it would help, the lawyer also sent a letter to ICBC.

Marge got written permission from Frank and returned to the insurance broker a few weeks later, letter and plates in hand. Again, the broker got on the phone with ICBC. Now a "committee bond" was requested. Marge left and did not return.

Frank tried to get a new policy when his sentence ended. But first, he had to pay his debt to ICBC. Frank asked ICBC to backdate the cancellation of his insurance to the date his sister first tried to return his plates and cancel his insurance. ICBC refused.

ICBC acknowledged a mistake was made early on – but they believed they had corrected it. ICBC said they had called Frank's insurance broker back to immediately correct the mistake, yet Marge failed to return the plates either then or during her second visit a few weeks later.



ICBC conditionally offered to cancel the interest on Frank's debt.

Frank paid the $430, but he strongly disputed ICBC's account of what occurred with his sister. When a subsequent complaint to the ICBC Fairness Commissioner was unsuccessful, Frank's advocate came to us on Frank's behalf.

We reviewed ICBC's records and it became apparent why ICBC thought they had corrected their error with Marge.

During Marge's first visit to the broker, ICBC called the broker after Marge left and believed Marge was still present. On Marge's second visit to the broker, ICBC misunderstood the broker's questions and came to the conclusion that Frank was being deemed incapable and his sister was being legally appointed to take over all his personal and financial affairs. In reality, Marge just wanted to help her brother cancel his car insurance because he was not able to get to an insurance office due to the fact that he was in prison.

We reviewed emails between ICBC staff members discussing how Frank's cancellation could have been handled better. When someone visits a broker to cancel another client's insurance, the broker may

offer to accept the plates without condition. Later, they can backdate the cancellation when the required documents are properly submitted from the client. Given the confusion over Frank's circumstance, ICBC staff regretted not suggesting this practical solution.

As a result of our investigation, ICBC refunded Frank the full $430 and apologized in writing to him and his sister for their inconvenience and hardship. ICBC also agreed to amend its customer service procedures manual to help people in Frank's situation. Now, incarcerated clients can fax an authorization to cancel their policy. Frank was pleased to get his money refunded and to be able to purchase insurance on a monthly payment plan again.

Not What I Implied

ROADSAFETYBC (OFFICE OF THE SUPERINTENDENT OF MOTOR VEHICLES)

THE NORTH

Charlie's car was impounded after his adult son was caught driving the car dangerously, without a licence and without insurance. Charlie understood why impounding the car was necessary but he also expected it to be returned to him.

Charlie appealed to RoadSafetyBC for a review of the vehicle impoundment. In his application, Charlie explained that the driver was using the vehicle without his knowledge or consent. He stated that he had hidden the keys, put a wheel lock on the car and left it uninsured. He further explained that his son did not live at his residence but gained access while Charlie and other occupants were away, found the keys, broke the wheel lock and took the car.

Charlie's appeal was denied by RoadSafetyBC, who accepted that the vehicle was uninsured and that Charlie's son did not have explicit consent. However, he noted that Charlie's application did not explain why his son was not allowed to use the vehicle or explain why the keys were hidden. Further, he noted that the application did not provide evidence that Charlie had discussed with his son any rules or restrictions regarding the use of the vehicle. As such, the adjudicator concluded that Charlie may have implied his son was allowed to use the car.

Charlie contacted us. Given the measures that Charlie had taken to prevent his son from taking the car we questioned the adjudicator's conclusion.

We investigated, explained the situation as we understood it and asked RoadSafetyBC to confirm and clarify its decision. In response to our first contact, RoadSafetyBC's adjudication manager reviewed the decision alongside Charlie's submissions and concluded that Charlie's evidence did support that the vehicle was taken without his explicit or implied consent. The manager informed us that he did not agree with the adjudicator's decision. The manager ordered the release of Charlie's vehicle right away.

Charlie was very happy and relieved to know that his car was released and thanked us for directing his concerns to someone at RoadSafetyBC who could reconsider the original adjudicator's decision.

Jr. by Marriage

INSURANCE CORPORATION OF BRITISH COLUMBIA

VANCOUVER ISLAND / SUNSHINE COAST

Susan Clement married Cameron Murphy Jr. in Cameron's hometown in the United States. As Cameron and his father shared first names and because this had caused confusion in their small community in the past, each made sure to always identify themselves as Cameron Jr. and Cameron Sr. respectively on all official documentation. When Cameron Jr. married Susan he wrote "Cameron" in the given name field of their marriage certificate and "Murphy Jr." in the surname field. It did not cross Cameron's mind that this would cause problems for Susan down the road.

A few years after the wedding the couple moved to Susan's home province of BC. When Susan went to purchase car insurance she was informed that the name on her driver's licence had to match the name on her insurance documentation. As she now went by Susan Murphy and as her driver's licence was still under Susan Clement, she went to an ICBC office to have her licence updated. This is where Susan's headaches began.

An individual is permitted by law to adopt the surname of their spouse on marriage. In BC this does not require a legal change of name application. Rather, the individual can rely on their marriage certificate to legally identify themselves by their spouse's surname. Susan presented a copy of her marriage certificate when she went in to update her licence. To Susan's surprise ICBC informed her that if she was going to adopt Cameron's surname, she would have to adopt the surname as it was written on the marriage certificate. Cameron had written "Murphy Jr." in the surname field and therefore ICBC required her to adopt Cameron's generational suffix "Jr." on her own driver's licence. If Susan wanted to drop the "Jr.", ICBC told her that she would have to apply for a legal change of name. Susan was rather surprised by this and requested that the issue be considered by ICBC's management to ensure that what she was told was actually ICBC's policy. In response ICBC confirmed that it considered "Murphy Jr." to be Cameron's surname and therefore what she had been told was correct. None of this made sense to Susan so she came to us with her complaint.

Initially, we suspected there might have been a misunderstanding. However, ICBC confirmed that it considered generational suffixes to be a part of a surname and that it had made this decision when it assisted with the development of a policy document that was shared between multiple provincial authorities tasked with standardizing legal naming conventions. Despite this we remained concerned that ICBC's position was inconsistent with the legislation permitting individuals to adopt their spouse's surname and not their generational suffix.

The policy document relied on by ICBC in this situation is maintained by another provincial authority and as such we reached out to it to determine whether or not the policy adequately considered the legislation governing the transition of surnames on marriage. On learning of Susan's situation the other authority shared Susan's concerns. It also explained that the policy document remained in draft form and that it was possible to add a clarification to it to enable individuals to adopt their spouse's surname without the generational suffix. We invited ICBC to meet with us and the other authority to discuss possible options for settling Susan's complaint. We reiterated to ICBC that we could identify no definition of surname, legal or otherwise, that included or contemplated including generational suffixes

as a surname in whole or in part. We also pointed to various definitions of different name components, legal and otherwise, that clearly differentiated generational suffixes from surnames.

Following lengthy consultations with ICBC, it agreed to drop the "Jr." on Susan's licence so that it would read Susan Murphy. ICBC agreed to amend the shared policy document to no longer require any person to adopt the generational suffix of their spouse after marriage. Thanks to Susan having brought her complaint to us, no one in the future should be required by ICBC

to adopt their spouse's generational suffix after marriage. Additionally, anyone who has found themselves in the same situation as Susan in the past is now able to attend an ICBC office and have their licence changed.

Investigative Case Summaries – Environment and Natural Resources

Fresh Fish, Stinky Response

MINISTRY OF ENVIRONMENT

THE NORTH

Mazu was stopped by a conservation officer and asked to produce any fish in her possession. She showed the conservation officer the fish and was issued a ticket for catching and retaining more than her daily quota. Mazu disputed the ticket and sometime later the court proceeding was stayed.

Mazu believed the conservation officer had abused his power, improperly detained her, breached the Conservation Officer Service Code of Conduct and committed perjury. She requested an investigation by the Conservation Officer Service. After that, believing the authority had not addressed all of her concerns, Mazu went to the Chief Conservation Officer. The Chief Conservation Officer's review took a long time and when Mazu read the decision, she was disappointed that it too did not address all of the concerns she had raised.

Mazu was concerned about her reputation with officials and other fishers and she was concerned that there was a record of the charge even though the proceeding had been stayed.

During our investigation we reviewed the Conservation Officer Service complaints policy which had been updated since Mazu requested a review. Had the updates been in place when Mazu requested the review, her complaint might have been considered in a more timely way and she might have been more accepting of the outcome.

Through our investigation, the ministry agreed to provide Mazu with a letter that provided her with more information in answer to some of her concerns. The ministry's letter also apologized for the delays and explained that after Mazu asked for the review, the Conservation Office had staffing challenges that contributed to the delay. The ministry also explained to Mazu how they had improved their complaints policy since she made the request to the ministry and noted that they had implemented a better tracking process. Most importantly to Mazu, the ministry explained that their internal records showed there was a stay of proceedings in her case and that the records would be destroyed after ten years.

Smoked Out

CITY OF MERRITT

THE INTERIOR

Beth's neighbours operated an incinerator in their backyard. It caused large amounts of smoke to drift across her property. Beth had complained to the city repeatedly about the smoke, but no investigation or enforcement resulted.

Beth contacted us, saying the city told her that the relevant sections of its air quality bylaw were not enforceable. She thought it was unfair that the city had not taken enforcement action against her neighbours for operating their incinerator in a way that negatively affected the use and enjoyment of her property.

We investigated whether the city followed a reasonable process investigating Beth's complaints about the incinerator and the smoke drifting across her property.

In our investigation, we learned that the city had been aware of Beth's and other residents' concerns about air quality for many years. However, city staff had been uncertain whether the city's existing air quality protection bylaw was enforceable. In addition, several years previously, the city's bylaw enforcement officer had investigated Beth's concerns and concluded that no enforcement action was required.

In response to our investigation, the city obtained information that confirmed its existing bylaw was enforceable. We then consulted with the city to determine whether it would consider taking several steps to address Beth's concerns. The city agreed to investigate any new complaints about burning to determine whether the activity contravened the bylaw; as part of its investigation, to obtain statements from Beth and other residents, as required, about the impact of the smoke on their quality of life to determine whether the burning activity contravened the bylaw; to consider amending some parts of the bylaw in accordance with the legal advice it received with a view to making enforcement action easier in the future; to write to Beth to explain the approach it intended to take in the future to address her concerns; and to provide written reasons why no enforcement action was appropriate if it concluded none was required at the end of its investigation.

In our view, the steps the city agreed to take responded to Beth's concerns.

Investigative Case Summaries – Health

I Just Want to Move!

FRASER HEALTH

THE LOWER MAINLAND

Sarah was originally from Vancouver, but had been residing in a tertiary care mental health facility operated by Fraser Health. For several years, Sarah had asked her facility to help her move back to a facility in Vancouver, where she would be closer to disability resources and her social supports in the area.

Sarah told us that despite her repeated requests to be transferred to a Vancouver Coastal Health facility, she was told that a move was not possible and she would be required to remain in the Fraser Health region to access the ongoing mental health services she required.

We investigated Sarah's complaint and learned that she had initially requested a resident transfer and been placed on a waitlist with Vancouver Coastal Health in 2007. However, as she was requesting transfer from a residential facility in another health region, she was not considered a priority for placement.

We looked at the policy relating to requests for tertiary care transfers between the health authorities. Although a draft policy existed, this process had never been formalized between the health authorities to help direct staff when faced with transfer requests.

We requested that Fraser Health formalize this policy with the other health authorities so as to help staff respond to patient requests for transfers in tertiary care. Fraser Health agreed to do so. In addition, Fraser Health agreed to work with Vancouver Coastal Health to prioritize Sarah for a move to a resource suitable for her needs in the Vancouver area. Sarah was moved to a facility in Vancouver and reported to us that she was happy with her new home.

We requested that Fraser Health formalize this policy with the other health authorities so as to help staff respond to patient requests for transfers in tertiary care.

No News Isn't Good News

BC EMERGENCY HEALTH SERVICES

THE NORTH

Shortly after Lisa and her family moved from Ontario to Prince George, an emergency saw Lisa's husband Shane taken by ground ambulance to the local hospital and then by air ambulance to Vancouver for specialized care. Because Shane's BC Medical Services Plan coverage would not begin until the following month he did not qualify for the subsidized rate for ambulance services.

Feeling overwhelmed by the unexpected cost, Lisa applied for a waiver of the ambulance fees. Lisa did not receive a response to her application. When she received a collections notice in the mail, Lisa assumed her application had been rejected and she contacted us.

Our investigation determined that Lisa's application for fee remission had actually been approved and the debt written off. We suggested BC Emergency Health Services write to Lisa with the good news. BCEHS agreed and we confirmed with Lisa that the whole $6100 bill was erased.

We questioned why Lisa was not informed of the decision when it was made and we were told that applicants for ambulance fee remission were notified only if their applications were denied. It seemed to us that applicants would reasonably expect to be informed of the outcome of their application. In response to our investigation, BCEHS agreed to change practice so that applicants would be informed of the outcome either way.

Investigative Case Summaries – Housing

Getting Out

MINISTRY OF SOCIAL DEVELOPMENT AND SOCIAL INNOVATION

THE INTERIOR

Susan lived with her mother. When another family member moved in, the situation became violent. Susan had to move out immediately.

Fortunately, Susan found an affordable rental unit with a landlord able to take a tenant mid-month. However, Susan had already paid her mother rent for the month. Her money was gone. Susan's new landlord allowed her to delay payment but also set a firm deadline when rent was due.

Faced with an urgent need for funds, Susan asked the ministry for a crisis supplement, explaining that she already paid rent to her mother for that month and had no choice but to leave. Her request for a crisis supplement was denied.

Susan contacted us for help on the day her rent was due and we investigated immediately.

In response, the ministry quickly agreed that Susan should, in fact, have been provided a crisis supplement and the person who made the decision evidently did not fully understand Susan's circumstances. The ministry then issued a crisis supplement cheque for Susan's new landlord that same day.

Fraud is a Five Letter Word

RESIDENTIAL TENANCY BRANCH

THE INTERIOR

Sienna and her partner took their landlord to arbitration after being refused credit on their rent in exchange for major improvements they had done to their rented property.

The arbitrator dismissed Sienna's claim based on the landlord's testimony that Sienna had failed to provide the landlord with proper notice of her claim. Sienna could not immediately prove the landlord had been properly served but went home and found the parcel tracking number for the hearing package she sent. Proof in hand, Sienna returned to the Residential Tenancy Branch and requested a review of the decision on the grounds that the decision had been obtained by fraud.

The RTB dismissed the application, on the basis that the tracking number was not new evidence and the onus was on Sienna to allege and prove new and material facts that were not available to them at the time of the hearing.

Sienna contacted us, frustrated that she was not given the opportunity to demonstrate that the RTB had been manipulated by a fraudulent statement from the landlord. We decided to investigate.

The *Residential Tenancy Act* authorizes the review of a decision in any one of the following circumstances: a party was unable to attend the hearing because of

circumstances that could not be anticipated and were beyond the party's control; a party has new and relevant evidence that was not available at the time of the original hearing; or, a party has evidence that the decision or order was obtained by fraud.

In view of the fact that new and relevant evidence, and evidence that a decision was obtained by fraud were separate grounds on which a review may be conducted, we could not reconcile the RTB's decision or a related RTB policy. The policy stated that in order to demonstrate fraud:

...the party alleging fraud must allege and prove new and material facts, or newly discovered and material facts, which were not known to the applicant at the time of the hearing...

We asked the RTB to explain their position many times. The RTB's explanation was based in a belief that in that absence of a requirement for new evidence, allegations of fraud would enable the parties to re-argue matters that were decided in the original hearing. Sienna abandoned the RTB process and took her landlord to court. We continued our investigation, concerned about what appeared to be an inconsistency between the *Residential Tenancy Act* and the RTB's policy.

Eventually, after many letters, phone calls and meetings, the RTB recognized the problem and amended its policy. The amended guideline now states that evidence of fraud is a separate ground for review, as stated in the *Residential Tenancy Act*.

The Meter is Running

BC HYDRO AND POWER AUTHORITY

VANCOUVER ISLAND / SUNSHINE COAST

Hannah had received a new hydro meter. When her next bill came back higher than expected, she noticed moisture in the meter. She concluded that the water must have interfered with the device.

When Hannah contacted BC Hydro to dispute the amount charged to her account, BC Hydro explained that her consumption was consistent with past years and attributed her higher bill to an adjustment made to her payment plan. Furthermore, BC Hydro saw no reason to believe that a meter with water inside would read higher than one without. Hannah disagreed, opting to have the meter tested by Measurement Canada.

When the test came back normal, BC Hydro charged Hannah $96. Hannah disputed the charge, saying she was never told she would be charged for the test.

We asked BC Hydro for a description of any information provided to Hannah to alert her to the fact that she would be responsible for the costs of the test were it to come back showing the meter was error-free. BC Hydro was unable to confirm that any information had been provided to Hannah regarding her obligation to pay, and as such, BC Hydro agreed to credit Hannah's account for the full cost of the meter testing.

While Hannah was still disappointed that BC Hydro would not credit her account for the electrical usage under dispute, she was thankful to receive a $96 refund for the test.

Tear Down this Retaining Wall

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE

VANCOUVER ISLAND / SUNSHINE COAST

Garth lived on a narrow, dead end road with a steep drop off making it difficult and unsafe for him to turn around larger vehicles. Garth's road ended at a berm that separated Garth's road from the dead end of his neighbour's narrow road. Garth had a permit from the ministry to build a proper turnaround on the ministry's right-of-way at the end of his road. Garth set to work, believing he could also extend a retaining wall marking his own property.

Although the permit issued to Garth was somewhat vague, it did not include authorization for a wall to be constructed on the right of way. The ministry believed the wall created a hazard for drivers unfamiliar with the road. Consequently, some time after the wall was constructed, the ministry intervened and told Garth to tear his new wall down.

Garth's wall was part of his plan from day one. After paying for the construction of the wall, paying for the demolition of it only made matters worse. Refusing to take the wall down, Garth came to us.

We investigated and it appeared that there had indeed been miscommunication between Garth and the ministry about the extent of the permit to build the turnaround. Although no wall was mentioned in the paperwork, the ministry did tell Garth he should keep similar pre-existing works in front of his property. Furthermore, despite being aware of Garth's plans, the ministry never asked Garth to stop during or before construction. Given the cracks in communication – and the strength of the wall – we suggested a compromise. If the ministry thought the wall was a hazard, they could pay to take it down. This wasn't Garth's preferred outcome, but he was satisfied that the ministry had agreed to pay for the cost of the demolition of the wall and agreed to preserve the materials so they could be re-used. Garth thanked us for our work.

Investigative Case Summaries – Income and Community Support

Return to Sender

MINISTRY OF SOCIAL DEVELOPMENT AND SOCIAL INNOVATION

THE LOWER MAINLAND

Harold's disabilities restricted his ability to see and to get around. Disability assistance helped provide for his family of six. When they moved to a new home, Harold advised the ministry and it reviewed the amount of his assistance.

By Harold's reckoning, the disability assistance he then started receiving did not add up. When he contacted the ministry, he discovered that his entitlement to assistance did continue, but he did not receive one month's payment, because the cheque had been mailed to his old address in error. Harold told the ministry that his limited mobility prevented him from retrieving the cheque from his old address. He made numerous attempts over the following months to arrange delivery of that payment in vain. Then he contacted us.

From our review of ministry records, we observed that Harold had indeed notified the ministry that he would be moving and requested that his assistance be mailed to his new address. We concluded that it was reasonable for the ministry to review Harold's level of assistance due to his move, but it failed to mail one month's payment to the new address. As a result, after our inquiries, the ministry mailed him a new cheque for that month. Harold was thankful that the ministry had confirmed his entitlement and a problem he had been trying to solve for several months was now resolved.

Please Hold While We Redirect Your Call...

MINISTRY OF SOCIAL DEVELOPMENT AND SOCIAL INNOVATION

THE LOWER MAINLAND

Pierre believed that an employment assistance worker from the office he used to attend was interfering with his employment, housing and income assistance matters.

He called us, saying the worker had initially been assigned to his file for his benefit, but now she was making things worse. He explained that whenever he called the ministry, he was transferred to the worker at the old office and was not allowed to speak with anyone else. Pierre said that even though the ministry insisted there was no particular worker assigned to his file, every time he called he was transferred to the same worker.

We investigated whether the ministry provided an adequate response to Pierre's concerns about the worker he said was assigned to his file. A supervisor at the ministry also told us Pierre's file was previously managed by a specific worker, but the ministry had cancelled the case management at Pierre's request. However, after further inquiries with the supervisor, she discovered that a pop-up note was being generated by the ministry's computer system whenever Pierre called into the ministry telephone service. The note indicated that when Pierre called in, he should be transferred to the previous case worker. The supervisor explained that this pop-up note should have been deleted when the case management was terminated, but must have been forgotten.

The supervisor confirmed that she deleted the pop-up and that the notification would no longer appear when Pierre called the ministry. As the supervisor had taken steps to ensure that Pierre would no longer be redirected to the case worker, we considered the complaint to be resolved and closed our file.

You Promised

MINISTRY OF SOCIAL DEVELOPMENT AND SOCIAL INNOVATION

THE LOWER MAINLAND

Tanis left the province to flee an abusive relationship. While away, she called the ministry to ensure she would remain eligible for income assistance – she would return as soon as she could. The ministry offered some suggestions that could help her pick up her cheque when she got back.

Despite doing as she was told, when Tanis returned she was told her cheque could not be issued because she did not submit her monthly report on time and would have to come back later.

Tanis got nowhere trying to explain what the other worker told her earlier. Desperate, Tanis asked for a crisis supplement so she could get by. The worker denied this too. Tanis came to us.

After we began investigating, the ministry advised us that it was undertaking a full service quality review on the case. The ministry subsequently confirmed that proper procedures had not been followed. In particular the ministry had not considered mitigating factors when deciding whether Tanis's cheque could be released, had not offered Tanis the option to speak with a

supervisor, and had not provided information about Tanis's right to request reconsideration of the decision to refuse to provide a crisis supplement.

The ministry contacted Tanis directly to apologize for the error and let her know that her cheque was now available for pick up. The ministry also followed up with staff to ensure the proper process would be followed in the future. Cheque in hand, Tanis set out to get back on her feet.

You Don't Call Me

MINISTRY OF SOCIAL DEVELOPMENT AND SOCIAL INNOVATION

THE LOWER MAINLAND

Alexis stopped by her daughter's house to run a load of laundry. When she returned to pick up her laundry, Alexis was surprised to find her daughter had just been evicted and was not allowed back in to retrieve her belongings. Her clothes lost, Alexis applied to the ministry for a crisis supplement in order to replace them.

When almost a month passed by without a response, Alexis came to us. She couldn't understand why the ministry would not help. She said she had been on disability assistance for five years and only now needed a crisis supplement. We agreed to investigate the lack of response.

The ministry had contracted their communication with Alexis to a non-profit society. Nonetheless, we noted the ministry mistakenly attempted to follow up with Alexis directly. When Alexis did not answer the phone, the ministry decided to close her request.

The ministry acknowledged their error, agreeing to remind staff to ensure a proper procedure is followed in the future. The ministry also agreed to re-open and process Alexis's request. Later, we followed up with Alexis. She received the supplement and was finally able to replace some of the lost clothes.

When she returned to pick up her laundry, Alexis was surprised to find her daughter had just been evicted and was not allowed back in to retrieve her belongings.

Eviction Averted

MINISTRY OF SOCIAL DEVELOPMENT AND SOCIAL INNOVATION

VANCOUVER ISLAND / SUNSHINE COAST

Shawna had not received her income assistance cheque for two months and was facing eviction due to unpaid rent. After calling the ministry for answers, Shawna learned that her file had been closed and she would have to reapply. Out of money and at a loss, Shawna called us.

The ministry said Shawna had not picked up her income assistance cheque so they closed her file. However, the cheques were always mailed to Shawna at home, since it closed the local ministry office in her rural area – nowhere near the current office.

The ministry reviewed Shawna's file and identified its mistake. Two months earlier, it had conducted a routine review of Shawna's eligibility which confirmed her entitlement. Instead of mailing her cheque, which had been the practice, the ministry held it for pickup at the distant office. Shawna had not been told of this change.

Shawna's cheque should have been sent and, importantly, someone should have looked into why it wasn't picked up before her file was closed. The ministry agreed to re-open Shawna's file immediately without making her reapply, issued the back payments Shawna was entitled to, and resumed mailing her payments.

We followed up next with Shawna, who told us she was very relieved. She could pay her rent and felt secure in her home. She was still concerned about future payments, but was assured by the ministry's apology and return to mailing cheques to her home.

Food from my Plate

MINISTRY OF SOCIAL DEVELOPMENT AND SOCIAL INNOVATION

THE LOWER MAINLAND

Edith's medical condition made her eligible for a $40 monthly top-up to her income assistance from the ministry to help pay for the food supplements and vitamins she required. After about five years receiving the monthly top-up, Edith noticed that her total income assistance had dropped by a similar amount. When she contacted the ministry to ask about this reduction, she was assured repeatedly for almost two years that her monthly top-up was included in her income assistance.

Eventually one of Edith's calls led ministry staff to confirm that she was correct that her monthly top-up had indeed been removed from her income assistance 22 months earlier. The ministry resumed the top-up and said they would send her a retroactive payment for twelve months of the entitlement they did not give her. Later, the ministry told Edith it would not pay her benefits retroactively.

Edith complained to us that the ministry stopped her top-up for no good reason, that it dismissed her when she asked about it and that it was being unfair in refusing to retroactively pay for what she had been eligible for all along.

We noted that the ministry's policy required a periodic review of a client's eligibility for a dietary top-up. Its procedure is to tell the client about the review and to review

updated medical proof the client is required to provide. Should a decision be made to discontinue the top-up, the client is to receive written notice and to be informed of the right to appeal.

Our investigation confirmed that no one reviewed Edith's eligibility and there was no formal decision; the top-up was simply discontinued. We learned that, in the ministry's computer system, an end date was put on Edith's file erroneously. Once the end date was reached, the dietary top-up simply disappeared from the cheque.

As a result of our investigation the ministry acknowledged that it did not follow its policy and procedures for reviewing diet supplements when Edith's top-up was discontinued. Consequently the ministry agreed to provide Edith a retroactive payment of $880 for the 22 months that she did not receive the top-up because of its error. The ministry also agreed to contact Edith to acknowledge its error and to confirm she would be receiving the retroactive payment.

Our investigation confirmed that no one reviewed Edith's eligibility and there was no formal decision; the top-up was simply discontinued.

Investigative Case Summaries – Local Government

Unwelcome Guests

CITY OF MAPLE RIDGE

THE LOWER MAINLAND

After Beth's elderly mother was hospitalized and then moved to a residential care facility, Beth took on the job of managing her mother's financial affairs including her house.

The city's bylaw enforcement team contacted Beth with news: squatters had broken in to her mother's house. To address the break-in, the city offered to arrange for the house to be secured – Beth agreed. Beth, and her mother, would bear the cost of the work, but at least Beth would not have to deal with the problem herself. The city quickly hired a contractor to start work.

Unfortunately, the work failed to deter the squatters. The city inspected and again, arranged for a contractor to secure the premises. The squatters found different ways into the house and the pattern of inspection and repair continued. Under the applicable bylaw, the fee for each re-inspection doubled until the fee reached a maximum of $2400. Several months after Beth had accepted the city's offer to secure the home, she started receiving invoices for the series of inspections and repairs that had been done.

Beth said she had not received written notice of the steps being taken to address the problem and was unaware of the charges that were accumulating. She thought she should have been informed sooner so that she could decide how best to address the problem.

The city's bylaw on vacant and abandoned buildings required written notification by registered mail to the owner when the city determined that a building was not in compliance with the bylaw. The city did not provide written notification as required under the bylaw and did not inform Beth in a timely way about the events that followed her agreement to have the initial repairs done. Although Beth had agreed to have the city deal with the initial repairs, she still could reasonably expect to be informed if there were further problems and additional work was required.

We drew these observations to the city's attention and identified resolutions that we thought were appropriate in the circumstances. The city rejected our initial proposals to settle the matter but subsequently agreed to bring its practice into compliance with its bylaw, send Beth a letter of apology and refund the inspection fees the city had charged. Beth had paid the fees and wasn't expecting to see that money again so she was very pleased to learn that she would be getting a refund.

Increasing Transparency

VILLAGE OF MCBRIDE

THE INTERIOR

Mark was concerned that board meetings conducted by his village's community forest corporation were mostly taking place in private.

Mark came to us as a concerned citizen and we began an investigation into the board's procedure for closing meetings.

First, we looked at the board's confidentiality policy. It stated that all meetings were to be open to the public, unless the subject matter of the meeting fell into one of several categories. To make the meeting private, the board was to pass a resolution identifying which category applied. Satisfied that this policy was adequate, we looked at the manner in which it was applied. However, when we reviewed the board's meeting minutes we found no references to the resolutions required under the board's policy.

The corporation moved to amend its practices and bring them into compliance with its policy. Now, prior to closing a meeting, the board will open with a public meeting and then pass a resolution stating which section of the policy was being relied on to close proceedings to the public. We invited Mark to contact us again if he had any future concerns.

Investigative Case Summaries – Seniors

Phantom Debt

REVENUE SERVICES OF BC

VANCOUVER

For several years, Ali had been receiving collection notices and telephone calls from Revenue Services of BC (RSBC) demanding payment of Medical Services Plan (MSP) premiums.

Ali, whose first language was not English, enlisted the help of her son, Trevor. Trevor called RSBC to inquire. As a senior relying on an old age security pension, Ali was eligible for premium assistance. How could she possibly owe anything for unpaid premiums?

When Trevor reached RSBC staff to address the issue they assured him there was nothing for Ali to worry about; she did not owe an MSP premium debt. Nonetheless, the collection notices continued to arrive until, finally, Ali learned that her income tax refund would be directed to the province as payment toward Ali's debt. At a loss, Trevor contacted us and we investigated.

It turned out that Ali's contact information was mistakenly entered on the file of another person. As a result of our investigation, the ministry corrected their error and wrote a letter to Ali confirming that she had no debt. Furthermore, the ministry apologized to both Ali and Trevor, recognizing the lengths the two went trying to resolve the matter.

As a senior relying on an old age security pension, Ali was eligible for premium assistance.

The Power of an Explanation

BC HYDRO AND POWER AUTHORITY

THE INTERIOR

Gretel, a senior, had been confused by her hydro bill for some time and asked her son, Anatoly, to help. Anatoly called BC Hydro, learned there was an outstanding balance, and paid the full amount. When the next bill arrived, Anatoly was surprised to see it had sprung to $600 and still included an outstanding balance.

Anatoly called BC Hydro back but did not think the agent really understood what was happening with his mother's bill. Without a clear explanation, Anatoly called us and we decided to investigate.

BC Hydro explained that two kinds of payment plans were being applied: the Installment Plan and the Equalized Payment Plan (EPP). Installment plans are used to incrementally pay off outstanding bills. The EPP helps clients with budgeting by estimating annual consumption and dividing the charge into 12 monthly payments. Gretel was using quite a bit more power than she once had and her EPP had jumped correspondingly. She had not kept up with the increase and now the installment plan payments were piling on.

Now that we understood, we asked BC Hydro to explain everything to Anatoly and BC Hydro agreed. We followed up with Anatoly who said that after talking with a representative for about 45 minutes, he understood all the charges and arrears. He knew how the EPP worked, and understood the multiple installment charges that needed to be paid in due course. For the unexplained rise in energy use, BC Hydro suggested tools to find what was drawing so much power. Anatoly now had the full knowledge he needed to solve the problem for his mother. He told us that the BC Hydro representative was "really cool" and thanked us for our help.

Investigative Case Summaries – Work and Business

Good, But We Can Always Be Better

MINISTRY OF ENERGY AND MINES

THE INTERIOR

Gerald was an experienced miner who was fired after just a few weeks with a new employer. After an investigation, the ministry ordered the employer to pay Gerald for 80 hours, which was the time remaining within Gerald's probation period.

Gerald thought the order was insufficient. He contacted us.

We investigated to determine whether the ministry had proceeded reasonably and, in particular, whether it had provided adequate reasons for its decision. The ministry provided us with a copy of its complete file including handwritten notes and legal advice.

We determined the ministry had proceeded reasonably. The Chief Inspector had given Gerald multiple opportunities to share his perspective. He had conducted a reasonably thorough investigation and had interviewed staff to confirm information provided by the mining company's management about Gerald's work performance. Additionally, he obtained and followed legal advice, provided a reasonably detailed decision letter, and followed up orally with Gerald to further explain the decision.

We considered the complaint to be not substantiated and we closed our file. Shortly thereafter, the Chief Inspector contacted us and said that he would like to arrange a meeting to discuss ways their process could be improved. We shared information with the Chief Inspector and several of his staff about fair procedures and the things we look for when we investigate. We also provided some printed resources. We were pleased that the ministry demonstrated an interest in improving their processes, even though we had not found them deficient in the particular case we had investigated.

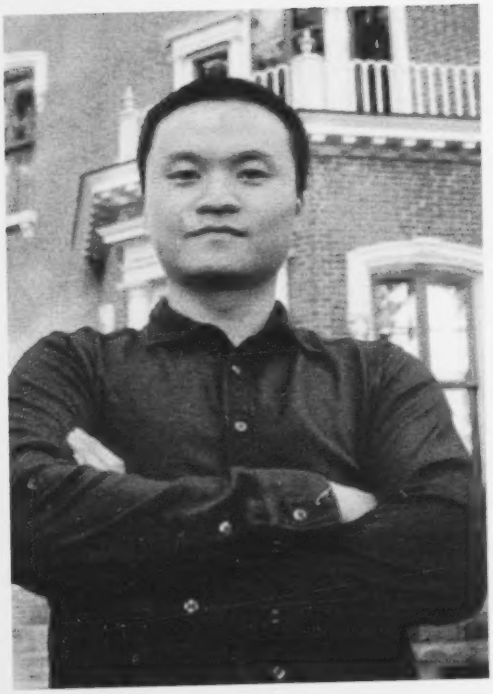
Starting After a Stall

COLLEGE OF LICENSED PRACTICAL NURSES OF BC

THE INTERIOR

After suspending him from his nursing job, Alex's employer made a complaint to the College of Licensed Practical Nurses.

Almost a year passed before the college concluded its investigation and attempted to resolve the matter by asking Alex to enter into an agreement. The agreement would require him to take a series of measures to improve his nursing practice. Alex refused and, consequently, his licence was suspended. Alex believed the college's concerns were unwarranted and that he should be given the opportunity to demonstrate his competence through an independent competency assessment. The college considered Alex's request and decided that Alex could undergo an assessment by an approved assessor, at Alex's cost. The college would consider the results of that assessment in deciding the appropriate resolution of the complaint. Such assessments cost between $5,000 and $7,000.



Alex contacted us with concerns regarding the college's process. In particular, he was concerned with the amount of time it took for the investigation to conclude.

A complaint to a health professions college is to be dealt with in 120 days. If a college does not meet that timeline, the *Health Professions Act* requires it to provide notice of the delay and the expected date of the disposition of the matter – the first in a series of steps that must or may be taken to hasten the conclusion of the matter. Such steps also include a review by the Health Professions Review Board. The Review Board can require a college to conclude its investigation by a certain date or it can take over control of the investigation and disposition of a matter.

The college had not disposed of the complaint within the prescribed timeline and had not informed Alex of that fact or of the expected date the matter would be concluded. Subsequent obligations to notify the registrant and the Health Professions Review Board were also not met.

We discussed these obligations with the college and asked about the reasons for the delay. The college pointed us to contributing factors including staffing changes, a new IT infrastructure, educational leave and a high volume of cases. The college further explained that priority was given to cases based on an assessment of risk to the public. Alex was not working as a nurse, so there was no current risk.

Although the explanation for the delay was reasonable, it seemed Alex might have been disadvantaged by the delay and the college's omissions with respect to delay notifications. The college agreed and, as a means of resolving the matter, it offered to pay $3000 towards Alex's competency assessment. The college also agreed to write to Alex, explaining why they missed the timeline, and to apologize. Finally, the college initiated a review of its investigative policies and procedures to formally include the timelines and notices required by the *Act*. Satisfied that the college took adequate corrective action, we closed our file.

It's an Obstacle Course!

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE

THE INTERIOR

Arlo was having trouble moving his big ranch equipment safely through the narrow gravel road in front of his cattle ranch. His primary concern was that neighbours had planted grapes too close to the road, but there were other problems too. He was concerned about a sharp corner at an intersection, potholes and parked cars on the road.

When Arlo contacted the ministry, transportation officials visited the site and agreed to look into a possible resolution. Several months then passed without word from the ministry. Arlo came to us wondering if the ministry was going to live up to its promise.

Our investigation determined that the ministry had concluded reasonably that widening the road was not warranted. However, the ministry was prepared to consider other options. We discussed possibilities with the ministry and the timelines within which they could be completed. To address the problems Arlo identified, the ministry asked Arlo's neighbour to discourage staff and others from parking on the narrow road, asked two utility companies to move structures at the intersection, and installed a culvert and turnaround in a section of the road.

Arlo was happy with the ministry's work. The road could now accommodate his ranch equipment safely.

Investigative Case Summaries – Other

The Odds of Appeal

BC LOTTERY CORPORATION

THE LOWER MAINLAND

Karen's disagreement with another gambler escalated quickly. After a physical altercation, the BC Lottery Corporation (BCLC) imposed a two year prohibition barring Karen from entering any casino in BC.

While Karen knew she acted out of character, she thought the sanction was excessive and contacted BCLC to challenge the terms of the restriction. When Karen was told there was no appeal process available, she contacted us.

We met with BCLC and discussed this case and BCLC processes more generally. As it happened, there was a relatively new appeal process and it was available to Karen. We called Karen and referred her to the appeal process. She told us she was relieved to have a chance to be heard.

We also looked at the documentation provided by BCLC to individuals prohibited from participating in gaming activities and we noted that they contained no information about the appeal process. As a result of our investigation, BCLC updated their documents to include appropriate reference to their new appeal process. We called Karen to advise her of the result and wished her good luck.

While Karen knew she acted out of character, she thought the sanction was excessive and contacted BCLC to challenge the terms of the restriction.

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Ministry of Forests, Lands and Natural Resource Operations 17

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Systemic Investigations

Overview

In addition to investigating complaints, the Ombudsperson has the authority to initiate investigations on their own motion. The Ombudsperson uses this authority to consider issues from a broad systemic perspective. A systemic investigation is an investigation initiated by the Ombudsperson that is likely to result in findings and recommendations and a published Ombudsperson report.

Recommendations are aimed at improving administrative processes and ensuring that people are treated fairly.

The Office of the Ombudsperson monitors the implementation status of recommendations for a period of five years. To report in a timely manner on our ongoing monitoring, status updates are now published separately from the Annual Report. Implementation tables for previous years are available on the office's website.

Completed in 2015/2016

SPECIAL REPORT NO. 36 | BYLAW ENFORCEMENT: BEST PRACTICES GUIDE FOR LOCAL GOVERNMENTS – MARCH 2016

Bylaw Enforcement: Best Practices Guide for Local Governments is built on the Office of the Ombudsperson's 20 years' experience and hundreds of investigations into individual complaints about bylaw enforcement practices in communities of all sizes across BC.

By encouraging local governments to apply the principles of administrative fairness to bylaw enforcement, individual complaint resolutions can and have resulted in improved information, apologies, refunds and reconsiderations. Ombudsperson investigations have also brought important systemic improvements to local governments such as updated bylaws and administrative policy reform that reflect best practices. Illustrative bylaw enforcement case summaries are included throughout the guide.

Bylaw Enforcement contains useful practices for all stages of bylaw enforcement: establishing bylaws, responding to complaints, conducting investigations, making enforcement decisions and handling appeals.

This guide outlines best practices that can be adopted and maintained by all local governments. Not only do best practices improve service quality, reduce costs and inspire public confidence – they can reduce complaints. Whether a resident has reported a bylaw infraction, or has been the subject of enforcement action – best practices help ensure everyone is treated fairly.

Bylaw Enforcement is a companion to *Open Meetings: Best Practices Guide for Local Governments*, released in 2012.

Recent Systemic Reports

IN THE PUBLIC INTEREST: PROTECTING STUDENTS THROUGH EFFECTIVE OVERSIGHT OF PRIVATE CAREER TRAINING INSTITUTIONS

Authorities: Private Career Training Institutions Agency, Ministry of Advanced Education
Subject: Education
Report Date: March, 2015

STRIKING A BALANCE: THE CHALLENGES OF USING A PROFESSIONAL RELIANCE MODEL IN ENVIRONMENTAL PROTECTION – BRITISH COLUMBIA'S RIPARIAN AREAS REGULATION

Authorities: Ministry of Forests, Lands and Natural Resource Operations
Subjects: Environment and Natural Resources, Local Government
Report Date: April, 2014

TIME MATTERS: AN INVESTIGATION INTO THE BC EMPLOYMENT AND ASSISTANCE RECONSIDERATION PROCESS

Authority: Ministry of Social Development and Social Innovation
Subject: Income and Benefits
Report Date: January, 2014

NO LONGER YOUR DECISION: BRITISH COLUMBIA'S PROCESS FOR APPOINTING THE PUBLIC GUARDIAN AND TRUSTEE TO MANAGE THE FINANCIAL AFFAIRS OF INCAPABLE ADULTS

Authorities: Ministry of Health, Ministry of Justice, Public Guardian and Trustee, Provincial Health Services Authority, Regional Health Authorities: Fraser, Interior, Northern, Vancouver Coastal, Vancouver Island
Subjects: Health, Income and Benefits, Seniors
Report Date: February, 2013

OPEN MEETINGS: BEST PRACTICES GUIDE FOR LOCAL GOVERNMENTS

Authority: Local Governments
Subject: Local Government
Report Date: September, 2012

ON SHORT NOTICE: AN INVESTIGATION OF VANCOUVER ISLAND HEALTH AUTHORITY'S PROCESS FOR CLOSING COWICHAN LODGE

Authority: Vancouver Island Health Authority
Subjects: Health, Seniors
Report Date: February, 2012

HONOURING COMMITMENTS: AN INVESTIGATION OF FRASER HEALTH AUTHORITY'S TRANSFER OF SENIORS FROM TEMPORARILY FUNDED RESIDENTIAL CARE BEDS

Authority: Fraser Health Authority
Subjects: Health, Seniors
Report Date: February, 2012

THE BEST OF CARE: GETTING IT RIGHT FOR SENIORS IN BRITISH COLUMBIA (PART 2)

Authorities: Ministry of Health, Health Authorities: Fraser, Interior, Northern, Vancouver Coastal, Vancouver Island
Subjects: Health, Seniors
Report Date: February, 2012

HEARING THE VOICES OF CHILDREN AND YOUTH: A CHILD-CENTRED APPROACH TO COMPLAINT RESOLUTION

Authority: Ministry of Children and Family Development
Subject: Children and Youth
Report Date: January, 2010

THE BEST OF CARE: GETTING IT RIGHT FOR SENIORS IN BRITISH COLUMBIA (PART 1)

Authorities: Ministry of Health Services, Ministry of Healthy Living and Sport
Subjects: Health, Seniors
Report Date: December, 2009

Statistics

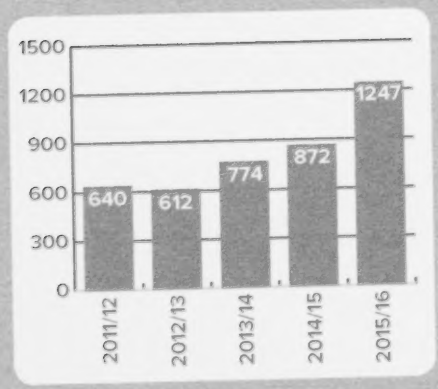
Statistical Overview

The following pages provide a statistical perspective of the Office of the Ombudsperson's work and performance between April 1, 2015 and March 31, 2016.[1]

In fiscal 2015/2016, the Office of the Ombudsperson received 7,849 individual inquiries and complaints. The majority of intake was by telephone (5,994), followed by web form (1,247), letters (483), and in person visits (125).

Going digital

Web form complaint submissions continue to trend upward:



The Office of the Ombudsperson receives complaints about over 2,800 provincial public authorities. This jurisdiction includes ministries, commissions, boards, Crown corporations, local government, health authorities, self-regulating professions, school boards and universities.

The authorities about whom the office received the most complaints were the Ministry of Social Development and Social Innovation (20 per cent of complaints), and the Ministry of Children and Family Development (12 per cent). Complaints about the Ministry of Health and various Health Authorities together represented 12 per cent. The Ministry of Justice and the Ministry of Public Safety and Solicitor General together represented nine per cent of complaints.

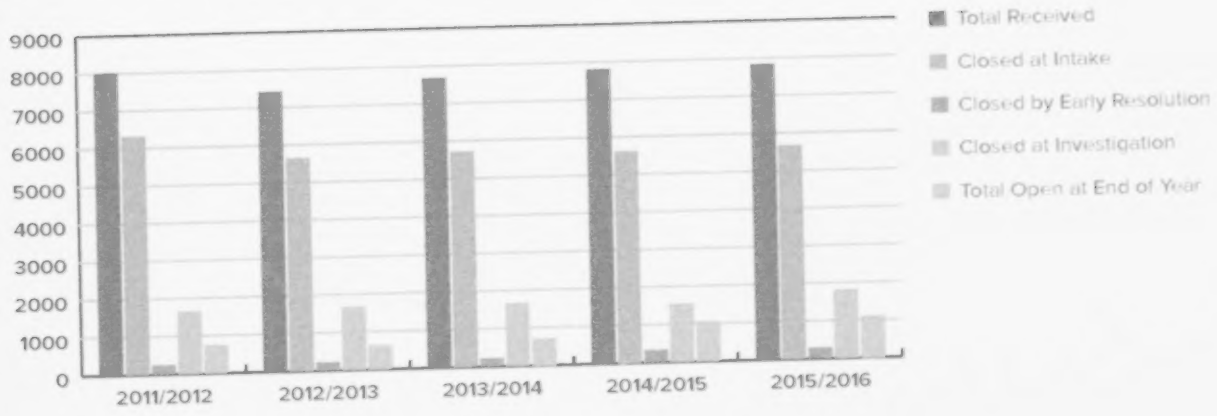
The Early Resolution Program resolved 303 complaints in 2015/2016 by redirecting them into a streamlined process that addresses and resolves problems within ten working days.

In 2015/2016, 1,913 files were assigned to Ombudsperson Officers for investigation and 1,819 files were closed by those officers. The Files Awaiting Assignment list is reviewed regularly to ensure all files are assigned to investigation with the more urgent complaints receiving priority. On March 31, 2016, there were 498 files on the Files Awaiting Assignment list.

A detailed breakdown of files opened and closed by authority can be found on the Annual Report page at www.bcombudsperson.ca.

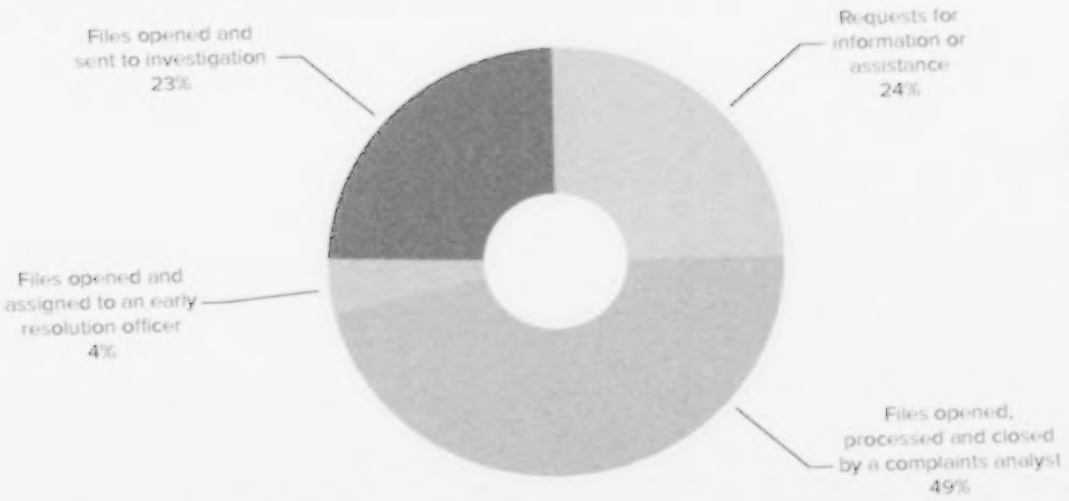
1 Closed files include files from previous years. The data contained in the following tables and charts may occasionally vary slightly from previous reports. In such cases, the figures given in the most current report are the most accurate.

Work of the Office



	2011/12	2012/13	2013/14	2014/15	2015/16
Open at the Beginning of the Year					
Open Files Awaiting Assignment	228	147	75	246	409
Open Files Assigned	751	609	565	473	648
	979	**756**	**640**	**719**	**1,057**
Complaints and Inquiries Received					
Requests for Information or Assistance	2,964	2,020	1,969	2,209	1,847
Files Opened	5,050	5,411	5,717	5,608	6,002
	8,014	**7,431**	**7,686**	**7,817**	**7,849**
Complaints and Inquiries Closed					
Closed at Intake	6,323	5,647	5,713	5,611	5,681
Closed at Early Resolution	256	226	224	333	303
Closed at Investigation	1,658	1,676	1,671	1,535	1,819
	8,237	**7,549**	**7,608**	**7,479**	**7,803**
Open at the End of the Year					
Open Files Awaiting Assignment	147	75	246	409	498
Open Files Assigned	609	565	473	648	606
	756	**640**	**719**	**1,057**	**1,104**

How We Dealt with Inquiries and Complaints in 2015/2016


Files opened and sent to investigation 23%
Requests for information or assistance 24%
Files opened and assigned to an early resolution officer 4%
Files opened, processed and closed by a complaints analyst 49%

Complaints and Inquiries received

5,994 phone calls
1,247 web forms
483 letters
125 in person

Intake
Collect information, provide assistance and open files

1,847 requests for information or assistance handled by a call coordinator
3,834 files closed by a complaints analyst

File assigned to an early resolution officer	File sent to Investigation	File closed at intake (referrals, non-jurisdictional, etc.)

Early Resolution
Investigate complaints suitable for the early resolution process

346 files assigned to an early resolution officer
303 files closed by an early resolution officer

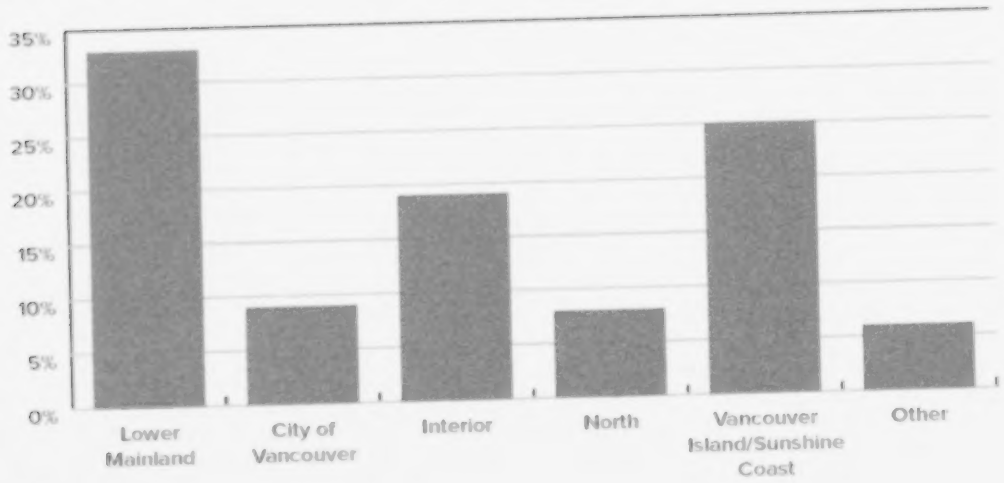
Files Awaiting Assignment List

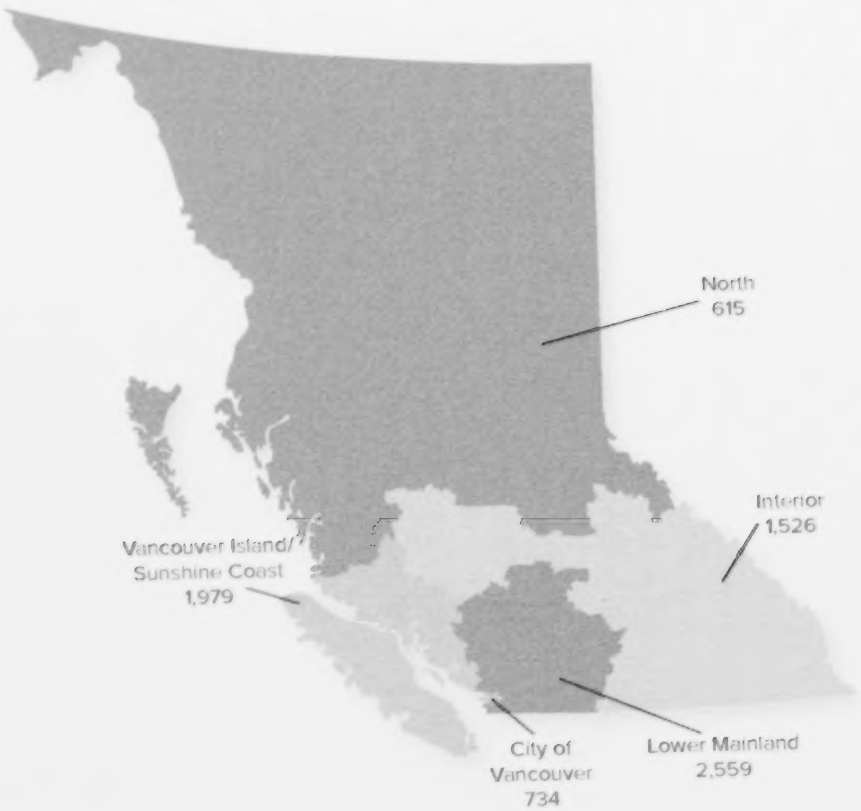
409 files were waiting on the FAA list as of April 1, 2015
1,987 files were sent to the FAA list in 2015/2016 (including **45** transferred early resolution files)
498 files remained on the FAA list as of March 31, 2016

Investigation
Investigate complaints

1,913 files assigned to an ombudsperson officer

Complaints and Inquiries Received – By Region





Note: The category "Other" includes complaints/inquiries from people outside BC (251), and from people within BC who did not provide a postal code or city (125).

Complaints and Inquiries Received – By Electoral District

#	ELECTORAL DISTRICT	RECEIVED
1	Abbotsford-Mission	96
2	Abbotsford-South	78
3	Abbotsford West	40
4	Alberni-Pacific Rim	112
5	Boundary-Silmilkameen	94
6	Burnaby-Deer Lake	42
7	Burnaby-Edmonds	59
8	Burnaby-Lougheed	41
9	Burnaby North	51
10	Cariboo-Chilcotin	87
11	Cariboo North	65
12	Chilliwack	124
13	Chilliwack-Hope	93
14	Columbia River-Revelstoke	55
15	Comox Valley	123
16	Coquitlam-Burke Mountain	23
17	Coquitlam-Maillardville	82
18	Cowichan Valley	114
19	Delta North	59
20	Delta South	34
21	Esquimalt-Royal Roads	129
22	Fort Langley-Aldergrove	73
23	Fraser-Nicola	75
24	Juan de Fuca	122
25	Kamloops-North Thompson	148
26	Kamloops-South Thompson	119
27	Kelowna-Lake Country	140
28	Kelowna-Mission	98
29	Kootenay East	82
30	Kootenay West	94
31	Langley	79
32	Maple Ridge-Mission	93
33	Maple Ridge-Pitt Meadows	90
34	Nanaimo	140
35	Nanaimo-North Cowichan	126
36	Nechako Lakes	46
37	Nelson-Creston	105
38	New Westminster	102
39	North Coast	40
40	North Island	143
41	North Vancouver-Lonsdale	51
42	North Vancouver-Seymour	41
43	Oak Bay-Gordon Head	97
44	Parksville-Qualicum	94
45	Peace River North	66
46	Peace River South	72
47	Penticton	117
48	Port Coquitlam	106
49	Port Moody-Coquitlam	36
50	Powell River-Sunshine Coast	130
51	Prince George-Mackenzie	78
52	Prince George-Valemount	136
53	Richmond Centre	39
54	Richmond East	46
55	Richmond-Steveston	27
56	Saanich North and the Islands	116
57	Saanich South	95
58	Shuswap	125
59	Skeena	57
60	Stikine	41
61	Surrey-Cloverdale	78
62	Surrey-Fleetwood	64
63	Surrey-Green Timbers	59
64	Surrey-Newton	54
65	Surrey-Panorama	100
66	Surrey-Tynehead	86
67	Surrey-Whalley	164
68	Surrey-White Rock	77
69	Vancouver-Fairview	83
70	Vancouver-False Creek	87
71	Vancouver-Fraserview	47
72	Vancouver-Hastings	97
73	Vancouver-Kensington	40
74	Vancouver-Kingsway	26
75	Vancouver-Langara	42
76	Vancouver-Mount Pleasant	139
77	Vancouver-Point Grey	28
78	Vancouver-Quilchena	21
79	Vancouver-West End	65
80	Vernon-Monashee	134
81	Victoria-Beacon Hill	224
82	Victoria-Swan Lake	114
83	West Vancouver-Capilano	32
84	West Vancouver-Sea to Sky	63
85	Westside-Kelowna	98
	Total	**7,108**

Note: These numbers do not include complaints/inquiries from outside BC (251), or from people who did not provide a postal code or city from which the electoral district could be determined (490).

Files Opened – Significant Authorities

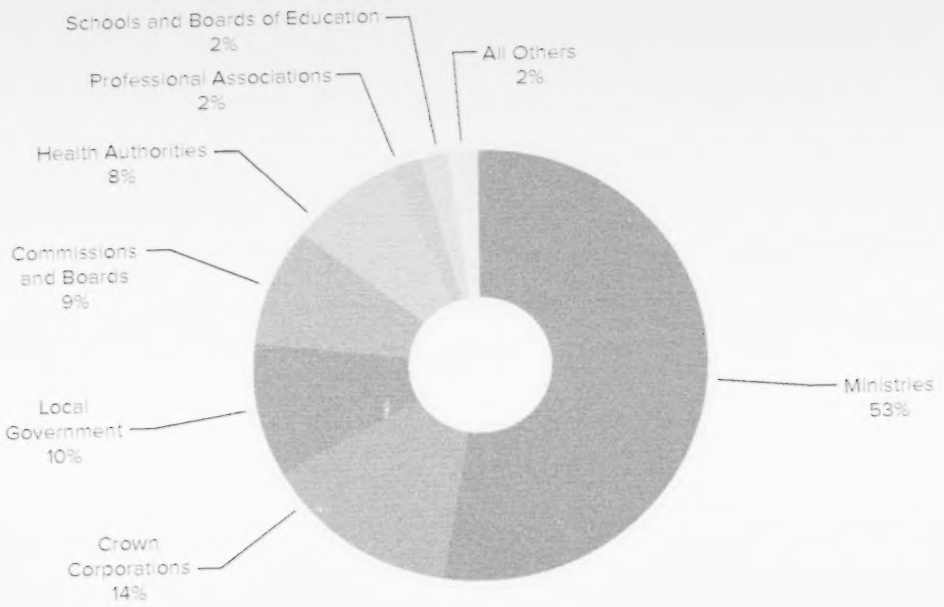
	AUTHORITY	2014/2015 % OF TOTAL JURISDICTIONAL FILES OPENED	2015/2016 % OF TOTAL JURISDICTIONAL FILES OPENED
1	Ministry of Social Development and Social Innovation	21.0%	20.1%
2	Ministry of Children and Family Development	12.3%	12.4%
3*	Ministry of Justice and Attorney General Ministry of Public Safety and Solicitor General	10.3%	9.2%
4	Insurance Corporation of British Columbia	6.6%	6.1%
5	BC Hydro and Power Authority	7.1%	4.4%
6**	Ministry of Health	2.9%	4.2%
7	Workers' Compensation Board	4.5%	4.2%
8	Fraser Health	1.8%	2.4%
9	BC Housing	1.8%	2.2%
10***	Ministry of Natural Gas Development and Minister Responsible for Housing	1.5%	2.0%

* Until December 11, 2015, the Ministry of Justice was responsible for the programs now divided between these two ministries, including Adult Corrections (4.1% of jurisdictional files) and the Family Maintenance Enforcement Program (2.1% of jurisdictional files).

** Ministry of Health file numbers do not include Health Authorities. Ministry of Health files combined with Health Authority files total 11.9% of jurisdictional files.

*** Includes the Residential Tenancy Branch, which represents 99.1% of this ministry's files.

Files Opened – By Authority Category



MINISTRIES (53%)		
Social Development and Social Innovation	38%	1083
Children and Family Development	23%	667
Justice	17%	496
Health	8%	225
Natural Gas Development (responsible for Housing)	4%	106
Finance	3%	99
Forest, Lands and Natural Resource Operations	2%	49
Jobs, Tourism and Skills Training	1%	31
Environment	1%	24
Transportation and Infrastructure	1%	23
Other Ministries	2%	74

CROWN CORPORATIONS (14%)		
Insurance Corporation of British Columbia	43%	330
BC Hydro and Power Authority	31%	235
BC Housing	15%	119
Community Living BC	4%	29
BC Assessment	2%	17
Transportation Investment Corporation	2%	16
Other Crown Corporations	3%	22

LOCAL GOVERNMENT (10%)		
City of Vancouver	7%	34
City of Surrey	6%	33
Town of Gibsons	6%	29
Regional District of North Okanagan	4%	23
Thompson-Nicola Regional District	3%	16
City of White Rock	3%	15
City of Victoria	2%	11
Township of Langley	2%	11
Regional District of Central Okanagan	2%	11
City of Kelowna	2%	10
City of Nanaimo	2%	10
City of New Westminster	2%	10
City of Penticton	2%	10
Other Local Government	57%	296

COMMISSIONS AND BOARDS (9%)		
Workers' Compensation Board	45%	228
Public Guardian and Trustee	14%	70
Workers' Compensation Appeal Tribunal	6%	31
TransLink	4%	22
BC Utilities Commission	4%	19
Labour Relations Board	3%	17
Human Rights Tribunal	3%	13
Other Commissions and Boards	21%	108

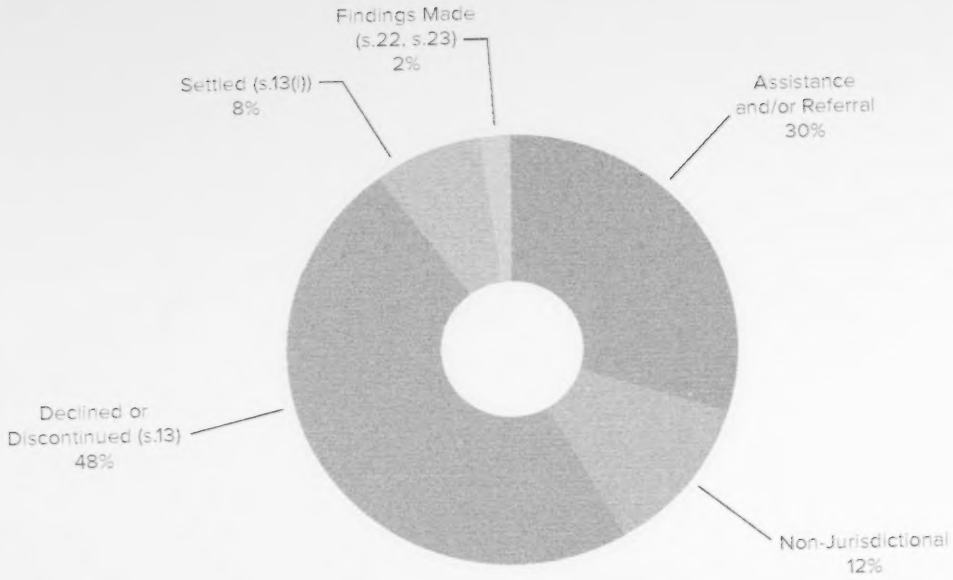
HEALTH AUTHORITIES (8%)		
Fraser Health	31%	131
Interior Health	19%	80
Island Health	18%	75
Provincial Health Services Authority	14%	59
Vancouver Coastal Health	13%	56
Northern Health	4%	17

PROFESSIONAL ASSOCIATIONS (2%)		
Law Society of British Columbia	45%	59
College of Physicians and Surgeons of BC	30%	39
College of Dental Surgeons of BC	7%	9
College of Registered Nurses of BC	5%	6
Other Professional Associations	24%	27

SCHOOLS AND BOARDS OF EDUCATION (2%)		
School District 67 (Okanagan Skaha)	17%	15
School District 39 (Vancouver)	9%	8
School District 68 (Nanaimo-Ladysmith)	8%	7
Other School Districts	66%	59

ALL OTHERS (2%)		
Universities	53%	41
Colleges	37%	29
Libraries	6%	5
Parks Boards	4%	3

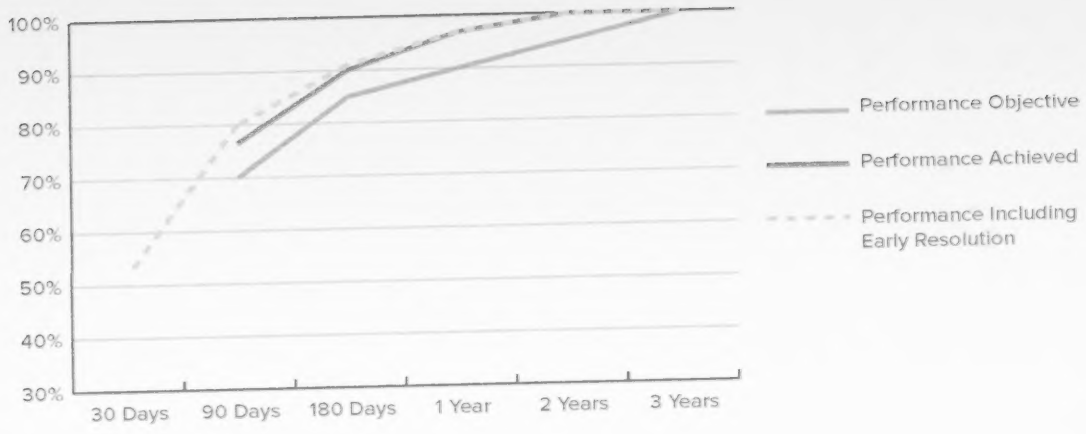
Files Closed – By Closing Status



CLOSING STATUS	MATTERS CLOSED
Assistance and/or Referral	1,832
Non-Jurisdictional	712
Declined or Discontinued (s.13)	2,860
More than one year between event and complaint (s.13(a))	7
Insufficient personal interest (s.13(b))	6
Available remedy (s.13(c))	1,379
Frivolous/vexatious/trivial matter (s.13(d))	0
Can consider without further investigation (s.13(e))	844
No benefit to complainant or person aggrieved (s.13(f))	271
Complaint abandoned (s.13(g))	189
Complaint withdrawn (s.13(h))	164
Settled (s.13(i))	508
Findings Made (s.22, s.23)	107
Total Matters Closed	**6,019**
Total Files Closed*	**5,956**

* Some files closed have more than one matter of administration identified. Each matter is closed separately. Therefore the number of matters closed during a period may be greater than the number of files closed. A file is considered closed when all of its matters of administration are closed.

Files Closed – Length of Time to Close



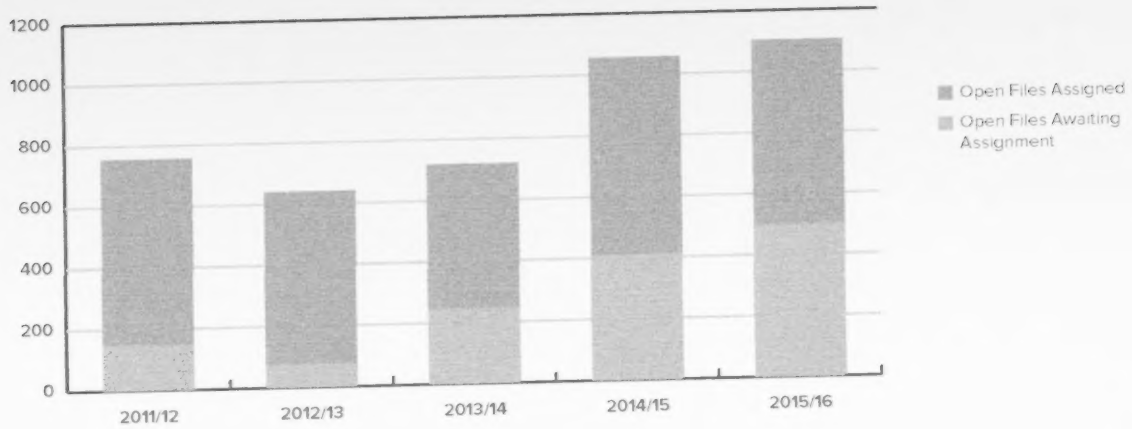
	2011/2012*		2012/2013*		2013/2014*		2014/2015*		2015/2016*	
Closed Within 30 Days* **	517	35%	600	37%	589	36%	684	45%	808	44%
Closed Within 90 Days	939	64%	1072	66%	1129	68%	1140	75%	1390	76%
Closed Within 180 Days	1232	83%	1343	83%	1425	86%	1349	89%	1636	90%
Closed Within 1 Year	1403	95%	1526	94%	1574	95%	1462	97%	1760	97%
Closed Within 2 Years	1463	99.1%	1605	99.3%	1631	98.4%	1500	99.1%	1811	99.7%
Closed Within 3 Years	1474	99.8%	1609	99.5%	1650	99.5%	1507	99.5%	1814	99.8%

Performance Objectives**

70% closed within 90 days
85% closed within 180 days
90% closed within one year
95% closed within two years
100% closed within three years

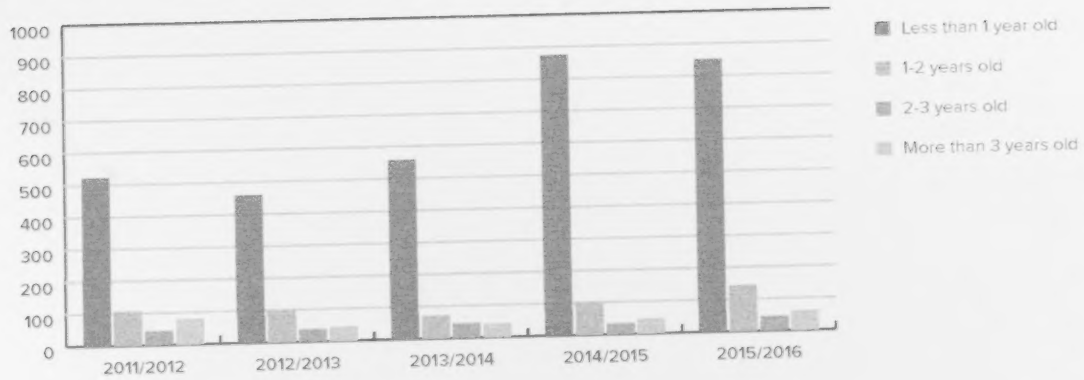
* Elapsed time does not include time spent on the Files Awaiting Assignment list.
** These performance objectives apply to files closed by the investigative teams. Files closed at intake are not included in these numbers, nor are files associated with ongoing systemic investigations.
*** Does not include Early Resolution files that were closed within 30 days.

Open Files at Year End



	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016
Open Files Awaiting Assignment	147	75	246	409	498
Open Files Assigned	609	565	473	648	606
Total Open Files	**756**	**640**	**719**	**1,057**	**1,104**

Open Files – Age of Files at Year End



	2011/2012		2012/2013		2013/2014		2014/2015		2015/2016	
Less Than 1 Year Old	523	69%	459	72%	559	78%	874	83%	852	77%
1-2 Years Old	107	31%	98	28%	72	22%	100	17%	144	23%
2-3 Years Old	45		39		46		35		47	
More Than 3 Years Old	81		44		42		48		61	
Total Open Files at Year End	**756**		**640**		**719**		**1,057**		**1,104**	

Office of the Ombudsperson Staff on March 31, 2016

Addis, Stephanie
Apland, Trisha
Bannister, Kathy
Barlow, Ross
Barnes, Adam
Bedwal, Serena
Bertram, Keir
Bertsch, Jennifer
Biscoe, Chris
Blackman, Linda
Bockus-Vanin, Alycia
Bond, Shirley
Brown, Rhonda
Burley, Teri
Cambrey, Brad
Cameron, Meganne
Campbell, Amy
Chapman, Matthew
Chunick, Carly
Clarke, Bruce
Densmore, Brad
Downs, Dustin
Elder, Jayne
Evans, Lisa
Fraser, Annette
Gaffney, Peter
Gardner, Victor
Giarraputo, Charisse
Gingras, Leoni
Graham , Rebecca
Green, Jaime
Hintz, Elissa
Horan, Anne
Jackson, Zoë
Jeakins, Katherine
Kirkaldy, Samantha
Krayenhoff, Luke
Liu, Su Ann
Mailey, Coralynn
Mather, Shannon
Matheson, Deidre
McMillan, Christina
McPherson, Colin
Mills, Diana
Morgan, Glenn
Morris, Christine
Murray, David
Paradiso, David
Paul, Nathan
Pearson, Heather
Phillips, Lisa
Pye, Nancy
Rao, Robert
Rasmussen, Susan
Reid, John
Stanton, Rose
Van Swieten, Dave
Walter, Rochelle
Warren, Rachel

CO-OP STUDENTS

Seven University of Victoria law co-op students joined the office for a four-month term in 2015/2016.

Gardner, Ashley
Greaves, Braden
Lyder, Roisin
MacKinnon, Emily
Placatka, Erin
Retzer-Bowman, Morgan
Tsao, Dora

In Memoriam

Jayne Elder

1961-2016

Ombudsperson Officer from 2006 to 2016

Jayne epitomized the values embraced by this office. Her passion, persistence, courage and compassion had a profound influence on her work and her colleagues.

The Office of the Ombudsperson
B.C.'s Independent Voice For Fairness

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